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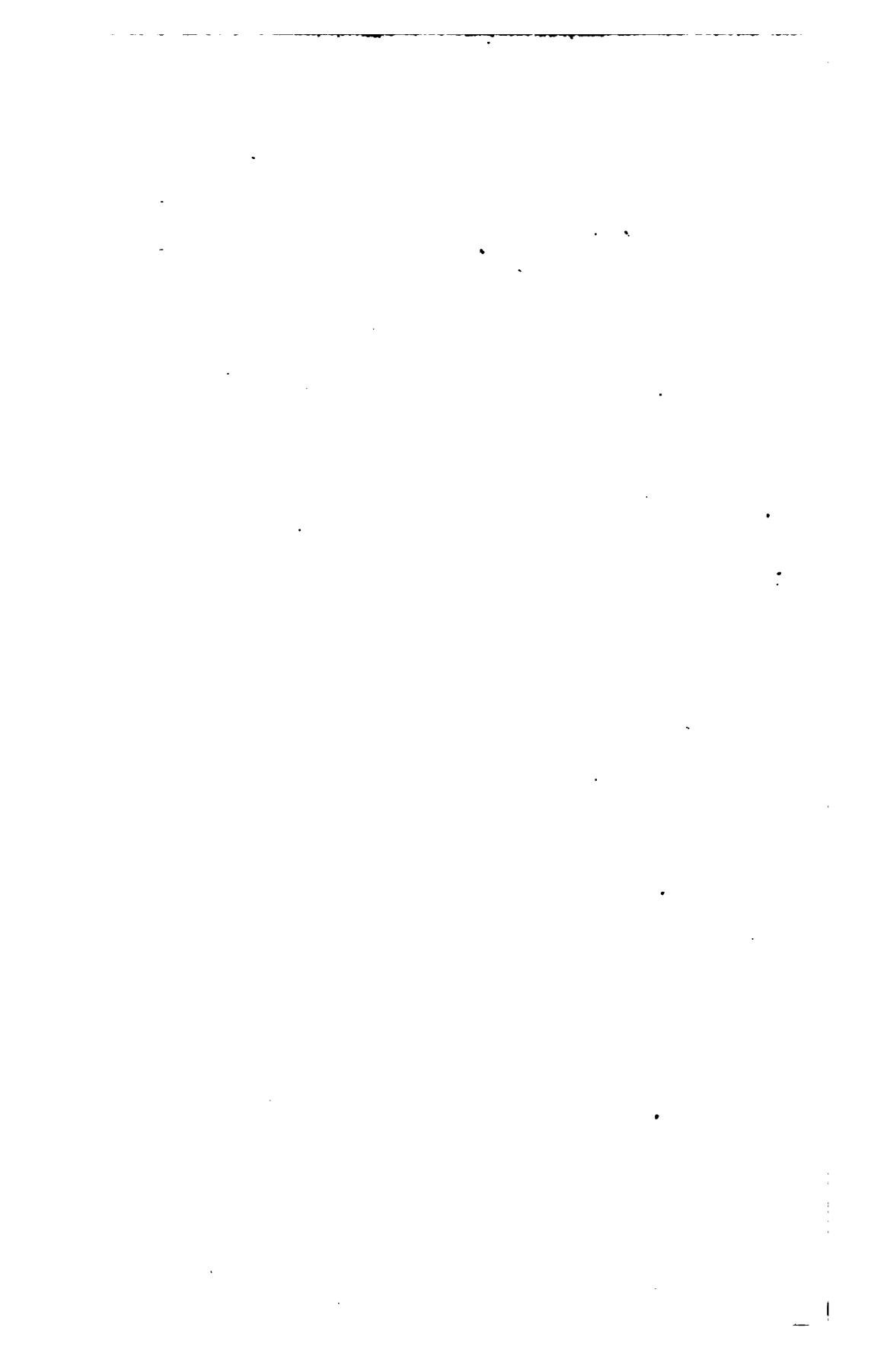
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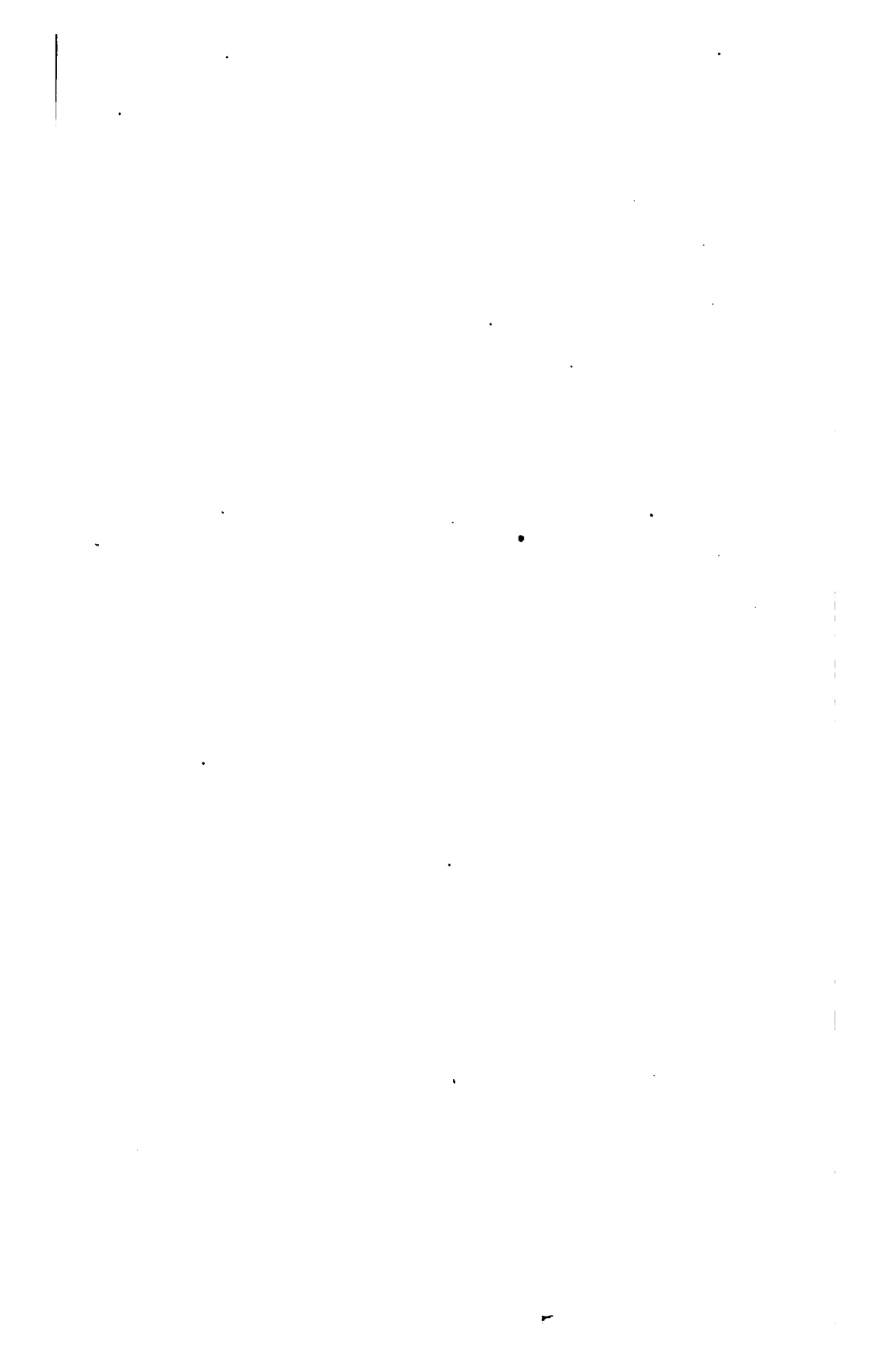
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RECORDS
OF THE
GOVERNOR AND COUNCIL
OF THE
STATE OF VERMONT.

VOLUME VII.

EDITED AND PUBLISHED BY AUTHORITY OF THE STATE
By E. P. WALTON.

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CONTENTS OF VOLUME VII.

I.	PORTRAIT of Gov. VAN NESS, frontispiece.	
II.	PORTRAIT of Gov. CRAFTS, from a photograph furnished by Nathan S. Hill, Esq., of Burlington, facing p. 299.	
III.	PORTRAIT of Hon. SAMUEL PRENTISS, from a plate furnished by Frederick J. Prentiss, Esq., facing p. 401.	
IV.	RECORD of the GOVERNOR AND COUNCIL, Forty-Sixth Council, Oct. 1822 to Oct. 1823.....	1-63
	Forty-Seventh Council, Oct. 1823 to Oct. 1824.....	64-108
	Forty-Eighth Council, Oct. 1824 to Oct. 1825.....	109-158
	Forty-Ninth Council, Oct. 1825 to Oct. 1826.....	159-204
	Fiftieth Council, Oct. 1826 to Oct. 1827.....	205-252
	Fifty-First Council, Oct. 1827 to Oct. 1828.....	253-298
	Fifty-Second Council, Oct. 1828 to Oct. 1829.....	299-344
	Fifty-Third Council, Oct. 1829 to Oct. 1830.....	345-390
	Fifty-Fourth Council, Oct. 1830 to Oct. 1831.....	391-434
V.	APPENDIX A.—GOVERNOR'S SPEECHES TO THE GENERAL ASSEMBLY, 1822 to 1830 inclusive.....	435-472
	Of Gov. SKINNER in 1822, 435. Of Gov. VAN NESS in 1823, 438; in 1824, 443; in 1825, 448. Of Gov. BUTLER in 1826, 452; in 1827, 456. Of Gov. CRAFTS in 1828, 459; in 1829, 463; in 1830, 468.	
VI.	APPENDIX B.—PROPOSED AMENDMENTS TO THE FEDERAL CONSTITUTION, &c.....	473-478
	President Andrew Jackson, Congressional Caucuses, the Monroe Doctrine, Emancipation of Slaves by Colonization, 473. Resolutions on Slavery, 474. Proposed Amendments on the election of President and Vice President of the United States, 475. On Fund for Internal Improvements and Education, 476. On Constitutionality of Protective Tariffs, &c. 476-478. Proposed Amendment to restrict the Presidency to one term of six years, 478.	
VII.	APPENDIX C.—INTERNAL IMPROVEMENTS IN VERMONT. 1823-1845:	
	Surveys for Canals.....	479-482
	Introduction of Railroads.....	482-487

VIII. APPENDIX D.—VISIT OF LAFAYETTE TO VERMONT in 1825.....	488-502
Note on Lafayette, 488. Letter of Gov. Van Ness to Lafayette, and reply of the latter, 489. Addresses at Windsor, June 28, 1825, 490-492—Address of Gov. Van Ness, 490, and Lafayette's reply, 491. Addresses at Woodstock, June 28, 1825, 492-3—Address of Hon. Titus Hutchinson, 492, and abstract of Lafayette's reply, 493. Address of Hon. Jacob Collamer at Royalton, June 28, 1825, 493. Address of Rev. Wilbur Fisk at East Randolph, June 28, 1825, referred to, 493. Addresses at Montpelier, June 28 and 29, 1825—Address of Hon. Elijah Paine, and Lafayette's reply, 494—Address of Mrs. Erastus Watrous, and Lafayette's reply, 495. Addresses at Burlington, June 29, 1825, 496-499—Address of Hon. William A. Griswold, 496, and Lafayette's reply, 497—Address of David Russell, Esq., and Lafayette's reply, 498—Address of Rev. Willard Preston, on the laying of the corner stone of the south college of the University of Vermont by Gen. Lafayette, and abstract of the General's reply, 499. Persons taking part in the ovation as officers, escort, &c. 500. Toasts by General Lafayette, 501. Lafayette's last act in America, the release of Gen. WILLIAM BARTON from imprisonment, 501. Gen. Barton's return to his family, 502.	
IX. ADDITIONS AND CORRECTIONS.....	503-4
X. ACKNOWLEDGMENTS.....	504
XI. GENERAL INDEX.....	505-527

FORTY-SIXTH COUNCIL.

OCTOBER 1822 TO OCTOBER 1823.

RICHARD SKINNER, Manchester, *Governor*.
AARON LELAND, Chester, *Lieutenant Governor*.

Councillors:

EZRA BUTLER, Waterbury,	JOSIAH DANA, Chelsea,
TRUMAN CHITTENDEN, Williston,	JOEL PRATT, Manchester,
TIMOTHY STANLEY, Greensboro',	ISRAEL P. DANA, Danville,
SETH WETMORE, St. Albans,	JABEZ PROCTOR, Cavendish,
JOSEPH BERRY, Guildhall,	URIEL C. HATCH, Cavendish,
CHARLES PHELPS, Townshend,	EBEN W. JUDD, Middlebury.

ROBERT TEMPLE, Rutland, *Secretary*.
SAMUEL S. CONANT, *Sec. pro tem*. Nov. 12 and 13 1822.
JOHN PECK, Waterbury, *Sheriff*.

BIOGRAPHICAL NOTICES.

ISRAEL P. DANA, fifth son of John Winchester Dana of Pomfret, Vt., and grandson of Gen. Israel Putnam of Pomfret, Conn., was born April 13 1774, and settled in Danville in 1805, as inn-keeper for a few years, but afterward and for life engaged in mercandize. His sterling qualities soon gained the confidence of the public, which he retained until his death. He was Sheriff of Caledonia County 1808 until 1813, when he was appointed under the U. S. government one of the Collectors of the internal taxes; in 1814 he raised and commanded a company of volunteers, who marched to resist the invasion of Plattsburgh, and met at Montpelier the news of the glorious victory; 1822 until 1827 he was one of the Governor's Council, and soon after the organization of the Vt. Mutual Fire Insurance Company, was appointed its President. Firmly holding to the doctrines and polity of the Congregational Church, he gave his daughters to Christian service, one as wife of the late Rev. Austin Hazen of Hartford and Berlin, Vt., another as a missionary of the American Board in India, and still another, Mrs. Stoddard, in Per-

sia. Mr. Dana died June 22 1848. Judah Dana, U. S. Senator from Maine, was a brother, and Gov. John W. Dana of Maine a nephew. Charles S. Dana, present U. S. Collector of internal revenue in Vermont, is a son.—*Vt. Historical Magazine*, title Danville; and Deming's *Catalogue*.

JABEZ PROCTOR was born in Westford, Mass., April 22, 1780, and came to what is now Proctorsville, Vt., with his father's family, in February 1784, his father being the first settler there. During minority he was employed in agriculture, merchandizing, and hotel keeping; but on becoming of age he entered into an universal partnership, as it was called, with a brother, doing a large and successful business, with no separate accounts between the partners, but paying all family and other expenses out of the common fund—a fact which attests the perfect confidence of each brother in the integrity of the other. He was Councillor five years, 1822 until 1827; Judge of Probate for the District of Windsor four years, 1830 until 1834; and Presidential elector in 1824, and again in 1836, heading the list and being the messenger to carry the vote of the state to Washington. When Councillor, he boarded in a family with which the editor of this volume is connected, and the tradition is that he was a safe Councillor, careful in coming to his conclusions, and firm in his adherence to them. He was father of Gov. Redfield Proctor, the present [1878-'9] executive of the state.

URIEL C. HATCH represented Cavendish in the Constitutional Convention of 1814, and in the General Assembly eleven years, 1809 until 1818, and 1819 and 1821; was Judge of Probate in 1821, and Councillor in 1822. In the election of 1822 it happened that Rutland County failed of having a Councillor by reason of too many candidates, and Windsor County received a double portion, in Messrs. Proctor and Hatch, who were residents of the same town. In the succeeding election a Councillor was restored to Rutland County, in the place of Mr. Hatch.

EBEN W. JUDD was Delegate from Middlebury in the Constitutional Convention of 1822, Assistant Judge of Addison County Court 1825 until 1829, and Councillor one term.—Deming's *Catalogue*.

RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION WITH THE GENERAL ASSEMBLY AT MONTPELIER, OCTOBER 1822.

STATE OF VERMONT. A Journal of the proceedings of the Governor and Council of the State of Vermont, at their annual session begun and held at Montpelier on the second thursday of October (being the 10th day of the month), in the year of our Lord one thousand eight hundred and twenty-two; and in the forty-seventh year of the Independence of the United States—Present, His Excellency Richard Skinner, Governor—The Hon. Joseph Berry, Truman Chittenden, Josiah Dana, Aaron Leland, Henry Olin, Charles Phelps, Joel Pratt, Timothy Stanley, Seth Wetmore, & Joseph Warner, Councillors.

A message was received from the House of Representatives, by Mr. Roberts one of its members, informing the Gov. & Council that the house has organized, by electing the Hon. D. Azro A. Buck Speaker pro tem. and Lemuel Whitney Esq. Clerk pro tem. and are ready to receive any communication the Gov. & Council may be pleased to make—and he withdrew.

On motion, *Ordered*, that the Secretary acquaint the House of Representatives that his Excellency the Governor, together with a quorum of the Council, have assembled in the Council Chamber, and are ready to proceed to business.

The Gov. & Council proceeded to appoint a com^{ee} to receive, sort & count the votes for Governor, Lieut. Governor, Treasurer & Councillors. Members chosen Messrs. Wetmore, Dana & Warner; who were duly sworn to perform that service.

A message was received from the House, by Mr. Wales one of its members, informing that the house has on its part appointed a committee to receive, sort & count the votes for Governor, Lt. Governor, Treasurer & Councillors—and he withdrew. *Ordered*, that the Secretary inform the House that the Gov. & Council have on their part appointed a committee to receive, sort & count the votes for Governor, Lieut. Governor, Treasurer & Councillors, for the ensuing year.

Adjourned to 4 o'clock P. M.¹

4 O'CLOCK P. M.—The Governor & Council met agreeably to adjournment.

A message was received from the House by Mr. Austin, one of its members, informing that the House is ready to receive the Governor & Council in the Representatives' room, to hear the report of the canvassing committee. On motion, *Ordered*, that the Secretary inform the House that the Gov. & Council will immediately attend in the Representatives' room to receive the report of the canvassing committee.

¹ The election sermon was preached by Rev. John Lindsey.

The Governor & Council attended in the Representatives' room; when the canvassing committee made the following report, to wit: that His Excellency Richard Skinner is elected Governor—that the Hon. Aaron Leland is elected Lieut. Governor—and Benjamin Swan Esq. is elected Treasurer—and that the Hon. Joel Pratt, Eben W. Judd, Truman Chittenden, Israel P. Dana, Timothy Stanley, Uriel C. Hatch, Charles Phelps, Josiah Dana, Ezra Butler, Seth Wetmore, Joseph Berry, & Jabez Proctor, are elected Councillors for the year ensuing—which is respectfully submitted.

(Signed)

SETH WETMORE, *Chairman.*

Oct. 10, 1822.

GEORGE E. WALES, *Clerk.*

Which report having been read, the Sheriff of Washington County made proclamation of said several elections, and the Governor & Council returned to their chamber.

Adjourned to 9 o'clock to-morrow morning.¹

FRIDAY October 11, 1822. 9 o'clock A. M.

His Honor Aaron Leland, Lieut. Governor elect, and the Hon. Joseph Berry, Truman Chittenden, Josiah Dana, Israel P. Dana, Uriel C. Hatch, Eben W. Judd, Charles Phelps, Joel Pratt, Timothy Stanley & Seth Wetmore,² Councillors, appeared in the Council Chamber, and immediately attended in the Representatives' room (except Mr. Pratt) and in presence of the House took and subscribed the oaths of office before the Hon. William Brayton, one of the Judges of the Supreme Court—when they returned to the Council Chamber.

Ordered, by His Excellency the Governor, that the Secretary inform the House of Representatives that he will attend in the representatives' room, at two o'clock this afternoon, to take the oaths of office, and make his communication to the legislature.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor & Council met agreeably to adjournment.

The Hon. Jabez Proctor, a member of Council, appeared, took and subscribed the oaths of office before Mr. Wetmore, and took his seat.

The House sent up the following resolution for concurrence, to wit:

"IN GEN^L ASSEMBLY Oct. 11, 1822.

Resolved, The Gov. & Council concurring herein, that both houses meet in the Representatives' room, in joint committee, at three o'clock this afternoon, for the purpose of electing a chaplain of the Gen^L Assembly for the year ensuing"—which was read & adopted—and *Ordered*, that the Secretary notify the House accordingly.

The Governor & Council attended in the House of Representatives, when his Excellency the Governor took & subscribed the oaths of office before the Hon. W^m Brayton, one of the Judges of the Sup. Court, and delivered the following Speech.³

¹ The votes for Governor cannot be found.

² Sec. Temple seems to have been unaware of the rule of 1781, which required the Councillors to be ranked "according to their former appointment"—i. e., according to priority of service.

³ For speech see *Appendix A.*

The Governor & Council, in joint com^{ms} with the House, elected a chaplain, after which they returned to their chamber.¹

A message was received from the House by Mr. Waterman, one of its members, informing that the House has organized by choosing the Hon. D. Azro A. Buck, Speaker, & Timothy Merrill Esq. Clerk.

A large number of petitions from convicts in the State prison were presented and filed.

The Petition of W^m. Annis, for pardon, was taken up, read, and ordered to lie on the table.

The Governor was pleased to appoint Robert Temple Secretary of the Governor & Council the year ensuing; who was thereupon duly sworn.

The Petition of Charles Ball, a convict in the State prison, for pardon, was taken up & read—whereupon, on motion Mr. Dana of O. [Orange County,] *Ordered*, that said petition be dismissed. The Petition of Chauncey Beach, for pardon, was taken up & read—whereupon, on motion of Mr. Phelps, *Ordered*, that said petition be dismissed. The Petition of Daniel Butler, for pardon, was taken up and read—whereupon, on motion of the Lt. Gov. *Ordered*, that said petition be dismissed. The Petition of Jesse Brooks, for pardon, was taken up and read—whereupon, on motion of Mr. Wetmore, *Ordered*, that said petition be dismissed. The Petition of Leonard Carless [Corliss,] for pardon, was taken up and read—whereupon, on motion of Mr. Wetmore, *Ordered*, that said petition be dismissed.

Adjourned to 9 o'clock to-morrow morning.

SATURDAY Oct. 12, 1822. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment.

The Petition of Phebe Mumford, a convict in Addison Co. jail, for pardon, was presented and filed.

The Petition of Sam^l Blackington, for pardon, was taken up, read & considered, & ordered to lie. The Petition of Caleb B. Cady, for pardon, was taken up & read—whereupon, on motion of Mr. Stanley, *Ordered*, that said Petition be dismissed. The Petition of John Conant, for pardon, was taken up & read—whereupon, on motion of Mr. Wetmore, *Ordered*, that said petition be dismissed.

The Petition of John Campbell, for remission of his fine, his term in State prison having expired, was taken up and read—and the question was put, "Shall said fine be remitted?" which was determined in the affirmative—Yeas 11, Nays 0. Those who voted in the affirmative are, the Lt. Gov. Messrs. Berry, Chittenden, Dana of O. Dana of C. [Caledonia.] Hatch, Judd, Phelps, Proctor, Stanley & Wetmore.

The Pet. of Lewis Cambridge, for pardon, was taken up, read, & ordered to lie. The Petition of Jeremiah Downey, for pardon, was taken up and read—whereupon, on motion of the Lt. Gov. *Ordered*, that said petition be dismissed. The Petition of Alonzo Davis, for pardon, was taken up & read—whereupon, on motion of Mr. Dana of C. *Ordered*, that said petition be dismissed. The Petition of Sam^l Dolloff, for pardon, was taken up & read—whereupon, on motion of Mr. Dana of C. *Ordered*, that said petition be dismissed. The Petition of Thomas Davis, for pardon, was taken up & read—whereupon, on motion, ordered to lie.

Mr. Phelps introduced the following resolution, to wit: *Resolved*, that a com^{ms} of one member be appointed, to join such committee as may be

¹ Rev. John Lindsey was elected.

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Mr. Phelps introduced the following resolution, to wit: *Resolved*, that a com^{ms} of one member be appointed, to join such committee as may be

¹ Rev. John Lindsey was elected.

appointed by the House of Representatives, to make enquiry into the expediency of making provision by law, that persons enlarged by the Executive Council under the pardoning power, shall be nevertheless incompetent to testify in courts of justice—which was read & adopted—and Mr. Phelps appointed on the part of the Council.

The Petition of Reuben Dike, for pardon, was taken up and read—whereupon, on motion of Mr. Hatch, *Ordered*, that said petition be dismissed. The Pet. of John Eumerson, for pardon, was taken up & read, & ordered to lie. The Pet. of John Evans, for pardon, was taken up & read, & ordered to lie. The Petition of James Fitch, for pardon, was taken up & read—whereupon, on motion, *Ordered*, that said petition be dismissed. The Petition of John Bet. Freeman, for pardon, was taken up & read—whereupon, on motion of Mr. Wetmore, *Ordered*, that said petition be dismissed. The Petition of David Fowler, for pardon, was taken up and read—whereupon, on motion of the Lt. Gov. *Ordered*, that said petition be dismissed. The Petition of Meriner Floyd, for pardon, was taken up and read—whereupon, on motion of Mr. Stanley, *Ordered*, that said petition be dismissed. The Petition of Rufus H. Green, for pardon, was taken up & read—whereupon, on motion of Mr. Wetmore, *Ordered*, that said petition be dismissed. The Pet. of Elijah Groomes, for pardon, was taken up & read—and ordered to lie.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor & Council met, &c.

The Petition of Selah Hickcox, for pardon, was taken up & read—whereupon, on motion of the Lt. Gov. *Ordered*, that said petition be dismissed. The Petition of Reuben T. Hathaway, for pardon, was taken up & read—whereupon, on motion of Mr. Wetmore, *Ordered*, that said petition be dismissed. The Petition of James Harvey, for pardon, was taken up & read—whereupon, on motion of Mr. Wetmore, *Ordered*, that said petition be dismissed. The Petition of Allen Howard, for pardon, was taken up & read—whereupon, on motion of Mr. Wetmore, *Ordered*, that said petition be dismissed. The Petition of David O. Gould was read, and ordered to lie. The Petition of Dwight Hazleton, for pardon, was taken up and read—whereupon, on motion of the Lt. Gov. *Ordered*, that said petition be dismissed. The Petitions of John Jones, Ira Harrington, & W^m Johnson, for pardon, were severally read & ordered to lie. The Petition of William B. Herrick, for pardon, was taken up & read—whereupon, on motion of Mr. Phelps, *Ordered*, that said petition be dismissed. The Petition of Horace Kimball, for pardon, was read & ordered to lie. The Petition of Elijah Kezar, for pardon, was taken up & read—whereupon, on motion of Mr. Wetmore, *Ordered*, that said petition be dismissed. The Petition of Hiram Kezar, for pardon, was read & ordered to lie. The Petition of Bohon S. Monroe, for pardon, was read—whereupon, on motion of Mr. Stanley, *Ordered*, that said petition be dismissed. The Petition of Timothy Morgan was read, and ordered to lie. The Petition of William W. Noble, for pardon, was taken up & read—whereupon, on motion of Mr. Stanley, *Ordered*, that said petition be dismissed.

Adjourned to Monday morning next.

MONDAY October 14, 1822. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment.

Mr. Pratt, a member of Council, appeared, was sworn, and took his seat.

The Petitions of David Norris, Thomas Hendlen, and James Jerman were severally read & ordered to lie.

The Petition of Stephen Prentiss, a convict of the State Prison, was taken up and read—and the question was put, "Shall a pardon be granted to said Stephen?" which was determined in the affirmative. Yeas 12, Nays 0. Those who voted in the affirmative are, the Lt. Gov. Messrs. Berry, Chittenden, Dana of O. Dana of C. Hatch, Judd, Phelps, Pratt, Proctor, Stanley & Wetmore.

The Petitions of Hugh Platt, J. B. Putvah, Alfred Prentiss, John Rice & Joshua N. Rollins were severally read, & ordered to lie. The petition of Reuben Rollins, for pardon, was taken up & read—whereupon, on motion of the Lt. Gov. *Ordered*, that said petition be dismissed. The Petition of Peter N. Quackenbush, for pardon, was taken up & read—whereupon, on motion of Mr. Phelps, *Ordered*, that said petition be dismissed.

Adjourned to 2 o'clock P. M.

2 o'clock P. M.—The Gov. & Council met &c.

The Petition of Samuel Elder was taken up & read, & ordered to lie.

Mr. Phelps moved to reconsider the vote to dismiss the Petition of Chauncey Beach, for pardon; and the question was put & carried in the affirmative—and the Council again considered said petition—whereupon, on motion of the Lt. Gov. *Ordered*, that said petition be dismissed.

The House sent up the following resolution for concurrence, to wit:

"IN GEN^L ASSEMBLY Oct. 14, 1822.

Resolved, the Gov. & Council concurring herein, that the members of both houses meet in County Conventions, on tuesday next, at four o'clock in the after noon, for the purpose of making nominations of County officers; and that they meet in joint committee in the Representatives' room, at the opening of the house on wednesday morning next, for the purpose of electing such officers"—which was read—whereupon, *Resolved* to concur in passing this resolution—and *Ordered*, that the Sec'y notify the House accordingly.

The Petition of Benj. Smith, for pardon, was taken up & read—whereupon, on motion of the Lt. Gov. *Ordered*, that said petition be dismissed. The Petition of Jeremiah Smith, for pardon, was taken up & read—whereupon, on motion of Mr. Dana of O. *Ordered*, that said petition be dismissed. The Petition of Geo. Simmons, for pardon, was taken up & read—whereupon, on motion of the Lt. Gov. *Ordered*, that said petition be dismissed.

Adjourned to 9 o'clock to morrow morning.

TUESDAY Oct. 15, 1822. 9 o'clock A. M.

The Gov. & Council met agreeably to adjournment.

The petition of Ruluf Spaulding was taken up, read & ordered to lie.

A communication was received from the Speaker of the House, informing the Gov. & Council that the House have concurred in the passage of the resolution sent down by the Gov. & Council to raise a com^{tee} to enquire into the expediency of providing by law that persons enlarged by the Executive Council under the pardoning power, shall be nevertheless incompetent to testify in Courts of Justice—and that Messrs. Royce, Turner, Barney & Converse are appointed on the part of the House.

The House sent up the following resolution for concurrence, to wit:

"IN GEN^L ASSEMBLY Oct. 14, 1822.

Resolved, the Gov. & Council concurring herein, that the two houses meet in joint committee on thursday next in the Representatives' room,

at ten o'clock in the forenoon, for the purpose of electing Judges of the Supreme Court"—which was read—whereupon *Resolved*, to concur in passing said resolution—and *Ordered*, that the Secretary notify the House accordingly.

A message was received from the House, informing the Gov. & Council that agreeably to the rules of the House they have appointed the following standing committees, in which they desire the Gov. & Council to join, to wit: A committee of 4 denominated the Com^{ee} of Ways & Means. A committee of 4 denominated the Military Com^{ee}. A committee of 4 denominated the Judiciary Com^{ee}. A committee of 4 denominated the Com^{ee} of Claims. A committee of 4 denominated the Turnpike Com^{ee}. A committee of 4 denominated the Com^{ee} of Insolvency. A committee of 4 denominated the Com^{ee} of Manufactures. A committee of 4 denominated the Com^{ee} of Agriculture. A committee of 4 denominated the Land tax Com^{ee}. A committee of 4 denominated the Com^{ee} of New Trials. Whereupon, *Resolved* to join in the appointment of said Committees—and Mr. Dana of O. was appointed on the Com^{ee} of Ways & Means. Mr. Berry was appointed on the Military Com^{ee}. Mr. Wetmore was appointed on the Judiciary Com^{ee}. Mr. Stanley was appointed on the Com^{ee} of Claims. The Lt. Gov. was appointed on the Turnpike Com^{ee}. Mr. Dana of C. was appointed on the Com^{ee} of Insolvency. Mr. Judd was appointed on the Com^{ee} of Manufactures. Mr. Chittenden was appointed on the Com^{ee} of Agriculture. Mr. Hatch was appointed on the Land tax Com^{ee}. Mr. Phelps was appointed on the Com^{ee} of New Trials.

The House sent up the following resolution for concurrence, to wit:

"IN GEN^L ASSEMBLY Oct. 12, 1822.

Resolved, the Gov. & Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of making provision by statute, that the Chief Judge of the County Courts, respectively, shall perform the duties of Judge of Probate in the Counties in which they reside, when the Executor named in any will is Judge of Probate, and in all cases where the Judge of Probate is an heir, or entitled to letter of administration, and that said com^{ee} report by bill or otherwise"—which was read—whereupon, *Resolved* to concur in passing said resolution.

Received from the House a bill entitled "an act to repeal the first proviso in the first section of an act therein mentioned," with an order of the House thereon that the same be referred¹ to the Judiciary Committee—whereupon *Resolved* to concur in said order of reference.

Received from the House the Petition of Alexander Campbell, with an order of the House that the same be referred to the Com^{ee} of New Trials—whereupon, *Resolved* to concur in said order of reference.

Received from the House the Petition of sundry inhabitants of Danby & M^r Tabor, with an order of the House thereon, that the same be referred to the Military Committee—whereupon, *Resolved* to concur in said order of reference.

Received from the House the Petitions of Mosely Hall & others—of the Green Mountain Turnpike Co. & of the Inhabitants of Cornwall, with an order of the House on each that the same be referred to the Turnpike Committee—whereupon, *Resolved* to concur in said order of reference.

Received from the House the Petitions of Stephen Hunt—Thomas Kingsland—James McLeran—Curtis Bagley—and Samuel Mattocks, with an order of the House on each, that the same be referred to the

¹ Commonly "referred" in the record.

Committee of Insolvency—whereupon, *Resolved* to concur in said orders of reference.

Received from the House the Petitions of Joseph N. Jennison—Jonathan Knowles—Calvin Robinson—W^m. C. Ellsworth—and Azariah Webb—with an order of the House on each that the same be referred to the Committee of Claims—whereupon, *Resolved* to concur in said orders of reference.

Received from the House the Petitions of sundry inhabitants of Westfield—of Kellyvale & Kelly's Grant—of Morgan—of Hydepark—of Mansfield—and the Remonstrance of N. P. Sawyer against the petition from Hydepark—with an order of the House on each that the same be referred to the Land tax Committee, whereupon, *Resolved* to concur in said orders of reference.

Received from the House the Petition of John Atwood, with an order of the House thereon that the same be referred to the Committee of Ways & Means, whereupon, *Resolved* to concur in said order of reference.

Received the Petition of John Jones & others, with an order of the House thereon, that the same be referred to the Committee of Manufactures—whereupon, *Resolved* to concur in said order of reference.

Received the petition of the inhabitants of Concord, with an order of the House thereon, that the same be referred to a committee of 4 to join from Council—whereupon, *Resolved* to concur in said order of reference, and M^r. Phelps was appointed from Council.

Received the Petition of Jonathan Huntley & Lyman Wellington—also the petition of Pliny Doubleday—with an order of the House on each that the same be referred to a committee of two to join from Council, whereupon, *Resolved* to concur in said order of reference, and M^r. Pratt was appointed from Council.

Received the Petition of Elizabeth Nightingale, with an order of the House thereon that the same be referred to a committee of 2 to join from Council, whereupon, *Resolved* to concur in said order of reference, and the Lt. Gov. was appointed from Council.

Received the Petition of Jeremiah Nourse & others, with an order of the House thereon that the same be referred to a committee of 4 to join from Council—whereupon, *Resolved* to concur in said order of reference—and M^r. Chittenden was appointed from Council.

Received the Petitions of Clark Watson—of sundry inhabitants of Groton—of David L. Fowler— & of Elihu Smith, with an order of the House on each that the same be referred to a committee of 2 to join from Council—whereupon, *Resolved* to concur in said orders of reference—and M^r. Proctor was appointed from Council on each of said petitions.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor & Council met &c.

The Petition of John Vevus, for pardon, was taken up & read—whereupon, on motion of the Lt. Gov. *Ordered*, that said petition be dismissed. The Petitions of Thomas Waters—John Wilson—George Wheeler, & Thomas Williams, for pardon, were severally taken up, read, & ordered to lie.

M^r. Phelps asked to be excused from serving on the Committee of New Trials whilst the petition of Alexander Campbell is in hearing—which was granted—and *Ordered*, that M^r. Hatch be appointed on said committee whilst said petition is in hearing.

Adjourned until to-morrow morning.

WEDNESDAY Oct. 16, 1822. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment.

Received the Petition of William Brayton, Ass^t Judge of the Supreme Court, with an order of the House thereon that the same be referred to a Com^{ee} of 4 to join from Council—whereupon, *Resolved* to concur in said order of reference—and Mr. Berry was appointed from Council.

The Gov. & Council attended in the House of Representatives to make County appointments, after which they returned to the Council Chamber.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Gov. & Council met &c.

Received the Petitions of the Passumpsick Turnpike Company—of the Winooski Turnpike Company—& of sundry inhabitants of Winhall—with an order of the House on each that the same be referred to the Turnpike Committee—whereupon, *Resolved* to concur in said order of reference.

Received the Petitions of Alvin House—Samuel Parker & others—Benj. B. Sargeant—John Beckwith—William Trumbull—James Mack Constable of Windham—Thomas Hooker—Samuel Towesley, Benjamin Brock & Horace Evans, together with the accounts of Rufus Moore & Truman Powell, disallowed by the Auditor of Accts. against the State—and a bill entitled "An act directing the Treasurer to pay Jon^s Dike Jr. the sum therein mentioned"—with an order of the House on each that the same be referred to the Committee of Claims—whereupon, *Resolved* to concur in said orders of reference.

Received the Petition of Alex. Sheldon & John L. Vorus, with an order of the House thereon that the same be referred to the Committee of New Trials, whereupon, *Resolved* to concur in said order of reference.

Received from the House the Petition of a Com^{ee} of the Baptist Church in Brandon—also, the petition of the inhabitants of Glover—also, a bill entitled "an act in addition to an act therein mentioned"—with an order of the House on each that the same be referred to the Judiciary Committee—whereupon, *Resolved* to concur in said orders of reference.

Received the Petitions of Levi Beardsley—Samuel Hopkins—Curtis Kelsey Jr.—John W. Pitt & sundry inhabitants of Bennington Co. in behalf of said Pitt—Charles Sweeney—Mason Estabrooks—Jon^s Dike—Zenas Warner—Noah D. Hart—Walter Sessions & Sam^l Beardsley, with an order of the House on each that the same be referred to the Committee of Insolvency, whereupon, *Resolved* to concur in said orders of reference.

Received the Petitions of sundry inhabitants of Kingston [Granville]—of Jay—of Navy [Charleston]—of Brookline—of Burke—of the proprietors of Coventry—of the inhabitants & proprietors of Worcester—of the inhabitants of Lunenburg—of the towns of Groton, Kirby, Goshen—of the inhabitants of Newark, & of the proprietors of Craftsbury, with an order of the House on each that the same be referred to the Land tax Committee—whereupon, *Resolved* to concur in said orders of reference.

Received the Petitions of Martin Snow & others for a Rifle company, and of Samuel Cross & others, with an order of the House on each that the same be referred to the Military Committee—whereupon, *Resolved* to concur in said orders of reference.

Received the Petitions of Milo W. Kingsley & others, of Roswell Ford & of sundry inhabitants of Sunderland in his behalf, & of Mira Billings, with an order of the House on each that the same be referred to the Committee of Ways & Means, whereupon, *Resolved* to concur in said orders of reference.

Received the Petitions of Charles K. Williams & others for a Bank at Rutland—and of Augustine Clark & others for a Bank at Danville—with an order of the House on each that the same be referred to a committee of 5 to join from Council—whereupon, *Resolved* to concur in said orders of reference—and Mr. Pratt was appointed from Council on each of said petitions.

Received the Petition of the Trustees of Bradford Academy, with an order of the House thereon that the same be referred to the members from Orange County, to join from Council—whereupon, *Resolved* to concur in said order of reference—and Mr. Dana of Orange was appointed from Council.

Received the Petition of Jedediah Hyde, with an order of the House thereon that the same be referred to the members from the County of Grand Isle, to join from Council—whereupon, *Resolved* to concur in said order of reference—and Mr. Wetmore was appointed from Council.

Received the Petition of W^m. Hall Jr. & others, with an order of the House thereon that the same be referred to a committee of 2 to join from Council—whereupon, *Resolved* to concur in said order of reference—and Mr. Proctor was appointed from Council.

Received from the House a bill entitled “an act incorporating and establishing an academy in Vergennes,” with an order of the House thereon that the same be referred to a committee of 2 to join from Council, whereupon, *Resolved* to concur in said order of reference—and Mr. Hatch was appointed from Council.

Received the Petition of Nicanor Needham, with an order of the House thereon that the same be referred to the committee appointed on the petition of Lyman Wellington & Jon^a. Huntley—whereupon, *Resolved* to concur in said order of reference.

Received the Petitions of Eliakim H. Johnson & others, and of Joseph Culver, with an order of the House on each that the same be referred to the committee on the petition of Clark Watson—whereupon, *Resolved* to concur in said order of reference.

Received the Petition of the Town of Newark, with an order of the House thereon that the same be referred to the committee on the petition of the inhabitants of Concord—whereupon, *Resolved* to concur in said order of reference.

Received the Petition of sundry inhabitants of Orange, with an order of the House thereon that the same be referred to a committee of 2 to join from Council—whereupon, *Resolved* to concur in said order of reference—and the Lt. Governor was appointed from Council.

Received the Petition of Nathan Cook & others, with an order of the House thereon that the same be referred to a committee of 2 to join from Council—whereupon, *Resolved* to concur in said order of reference—and Mr. Chittenden was appointed from Council.

Received the Petition of Samuel Parsons, with an order of the House thereon that the same be referred to the com^{ee} on the petition of Nathan Cook & others, whereupon, *Resolved* to concur in said order of reference.

Received the Petition of Elisha W. Parsons, with an order of the House thereon that the same be referred to a committee consisting of a member from each County, to join from Council—whereupon, *Resolved* to concur in said order of reference—and Mr. Judd was appointed from Council.

Received the Petition of Elias Keyes & others, with an order of the House thereon that the same be referred to the committee on the petition of Elisha W. Parsons, whereupon, *Resolved* to concur in said order of reference.

The House sent up the following resolution for concurrence, to wit: "IN GENERAL ASSEMBLY Oct. 15, 1822. *Resolved*, that a committee be appointed, consisting of six members from this house, to join from Council, to enquire into the propriety of loaning Capt. Partridge, of Norwich, a few stands of arms, & one or more pieces of ordnance, and report by bill or otherwise"—which was read—whereupon, *Resolved* to concur in said resolution—and Mr. Berry was appointed from Council.

The House sent up the following resolution for concurrence, to wit: "IN GENERAL ASSEMBLY Oct. 14, 1822. *Resolved*, that a committee of four members from this House, to join from Council, be appointed, to take into consideration the expediency of revising & arranging our complicated statute laws, & report by bill or otherwise"—which was read—whereupon, *Resolved* to concur in passing said resolution—and Mr. Wetmore was appointed from Council.

The House sent up the following resolution for concurrence, to wit: "IN GEN^L ASSEMBLY Oct. 14, 1822. *Resolved*, that the Military Committee be instructed to enquire into the expediency of so amending the militia law as to raise the rank of adjutant to that of captain, and to report by bill or otherwise"—which was read—whereupon, *Resolved* to concur in said resolution.

The House sent up the following resolution for concurrence, to wit: "IN GEN^L ASSEMBLY Oct. 12, 1822. *Resolved*, the Governor & Council concurring herein, that a committee be raised, consisting of one member of this house from each County in this State, to join such com^{ee} as the Council shall appoint, to enquire whether any, and what alteration should be made in the law establishing the jurisdiction of justices of the peace—to report by bill or otherwise"—which was read—whereupon, *Resolved* to concur in passing said resolution—and Mr. Dana of Caledonia was appointed from Council.

The House sent up the following resolution for concurrence, to wit: "IN GEN^L ASSEMBLY Oct. 12, 1822. *Resolved*, the Gov. & Council concurring herein, that a committee of two members of this house be raised, to join from Council, to enquire into the expediency of passing a law for the appointment of inspectors of lumber in the several towns in this State, & regulate their duties; to report by bill or otherwise"—which was read—whereupon, *Resolved* to concur in passing said resolution—and Mr. Stanley was appointed from Council.

The House sent up the following resolution for concurrence, to wit: "IN GEN^L ASSEMBLY Oct. 12, 1822. *Resolved*, the Gov. & Council concurring herein, that a committee of four members of this house be raised, to join from Council, to enquire into the expediency of passing a law for the appointment of inspectors of provisions, for exportation; to report by bill or otherwise"—which was read—whereupon, *Resolved* to concur in passing said resolution—and Mr. Dana of Orange was appointed from Council.

The House sent up the following resolution for concurrence, to wit: "IN GEN^L ASSEMBLY Oct. 14, 1822. *Resolved*, that the Judiciary Committee be instructed to enquire into the expediency of empowering the Supreme & County Courts to order bail, to ensure costs of prosecution pending suit, as well when the original process was summons, as attachment"—which was read—whereupon, *Resolved* to concur in passing said resolution.

The House sent up the following resolution for concurrence, to wit: "IN GEN^L ASSEMBLY Oct. 14, 1822. *Resolved*, the Gov. & Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of passing an act, reducing into one the several acts for laying out, making, repairing and clearing highways, and make such

additions & alterations therein as may be thought proper"—which was read—whereupon, *Resolved* to concur in passing said resolution.

The House sent up the following resolution for concurrence, to wit: "IN GEN^L ASSEMBLY Oct. 14, 1822. *Resolved*, that the Judiciary Committee be instructed to enquire into the expediency of so amending the law, as that the Supreme & County Courts may appoint committees to lay out roads, who may live in towns other than those adjoining the town through which such road may be contemplated to be laid"—which was read—whereupon, *Resolved* to concur in passing said resolution.

The House sent up the following resolution for concurrence, to wit: "IN GEN^L ASSEMBLY Oct. 12, 1822. *Resolved*, that the Judiciary Committee be instructed to enquire into the expediency of so amending the law relating to bills of divorce as to authorize the Supreme Court to grant them when the offence is committed in this State, although both the parties should not reside within the same at the time of committing the offence—to report by bill or otherwise"—which was read—whereupon, *Resolved* to concur in passing said resolution.

The House sent up the following resolutions for concurrence, to wit: "IN GEN^L ASSEMBLY Oct. 14, 1822. *Resolved*, the Gov. & Council concurring herein, that those parts of the Governor's speech which relate to the means of transportation; the law of 1810 concerning public roads; and the law relating to interest and the practice of usury; be referred to the Judiciary Committee.

"*Resolved*, the Gov. & Council concurring herein, that the part of the Governor's speech which relates to the fiscal concerns of the State, & expenditures, be referred to the Committee of Ways & Means.

"*Resolved*, the Gov. & Council concurring herein, that the part of the Governor's speech which relates to banks be referred to the committee raised on the petition of C. K. Williams & others.

"*Resolved*, the Gov. & Council concurring herein, that the part of the Governor's speech which relates to manufactures be referred to the Com^o on Manufactures.

"*Resolved*, the Gov. & Council concurring herein, that the part of the Governor's speech which relates to the relief of the unfortunate, acts of suspension, and insolvency, be referred to the Com^o of Insolvency"—which were severally read, and *Resolved* to concur in passing said resolutions.

The House sent up the following resolution for concurrence, to wit: "IN GEN^L ASSEMBLY Oct. 15, 1822. *Resolved*, the Gov. & Council concurring herein, that His Excellency the Gov. be requested to appoint Thursday the 5th day of December next, to be observed as a day of thanksgiving and praise throughout this State"—which was read—whereupon, *Resolved* to concur in passing this resolution.

The Lt. Governor requested to be discharged from the Turnpike Committee; which was ordered accordingly—and M^r Proctor was appointed in his stead.

Adjourned to 9 o'clock to-morrow morning.

THURSDAY Oct. 17, 1822. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment.

The Lt. Gov. asked to be excused from serving on the committee to whom was referred the petition of Elizabeth Nightingale—whereupon, *Ordered* that the Lt. Gov. be discharged from said committee and M^r Phelps appointed in his stead.

The House sent up the following resolution for concurrence, to wit: "IN GEN^L ASSEMBLY Oct. 16, 1822. *Resolved*, the Gov. & Council con-

curing herein, that the Judiciary Committee be instructed to inquire into the expediency of providing by law for the support of poor prisoners, confined in the several County jails in this State, and the liberties thereof, by making the town or place of such poor person's last residence & abode for — days at or previous to the time of his or her commitment, if within the County where such commitment is made, directly liable for the support of such person"—which was read—whereupon, *Resolved* to concur in passing said resolution.

Received from the House of Rep^s the petition of Silas Hathaway for a new trial in an action in favor of Heman Allen against him, with an order of the House thereon that the same be referred to the Com^{ee} of New Trials to consider & report thereon—whereupon, *Resolved* to concur in said order of reference—and on motion, *Ordered*, that M^r. Phelps be excused from serving on said committee during the hearing of this petition; and M^r. Berry is appointed in his stead.

The Lt. Governor requested to be excused from serving on the committee to whom was referred the petition of sundry inhabitants of Orange—whereupon, *Ordered*, that the Lt. Gov. be discharged from said committee, and M^r. Stanley appointed in his stead.

The House sent up the following resolution for concurrence, to wit: "IN GEN^L ASSEMBLY Oct. 16, 1822. *Resolved*, the Governor & Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of making provision by statute that commissioners appointed on insolvent estates be authorized to administer oaths to witnesses and parties"—which was read—whereupon, *Resolved* to concur in passing this resolution.

Received the Petitions of James Henry & Geo. Seaman—of Alexander Leland—of Lucius Doolittle & Samuel Ripley—and of Timothy P. Bartholomew, with an order of the House on each that the same be referred to the Committee of Claims—whereupon, *Resolved* to concur in said orders of reference.

Received the Petition of Jon^s. Barrett, with an order of the House thereon that the same be referred to the Committee of Manufactures—whereupon, *Resolved* to concur in said order of reference.

Received from the House the Petition of the light Infantry Company in Cabot—also, the Report of the Warden of the State prison—also, the Report of the Committee appointed to take Inventory of State prison property—with an order of the House on each that the same be referred to the Committee of Ways & Means—whereupon, *Resolved* to concur in said orders of reference.

Received the Petitions of Elias Keyes, and of Jacob Webster, with an order of the House on each that the same be referred to the Committee of New Trials—whereupon, *Resolved* to concur in said orders of reference.

Received the Petition of P. G. Camp & others, with an order of the House thereon that the same be referred to the Military Committee—whereupon, *Resolved* to concur in said order of reference.

Received the Petition of Joseph Currier, with an order of the House thereon that the same be referred to the Com^{ee} of Insolvency—whereupon, *Resolved* to concur in said order of reference.

Received the Petition & Remonstrance of sundry inhabitants of Coventry, with an order of the House thereon that the same be referred to the Land tax Committee—whereupon, *Resolved* to concur in said order of reference.

Received the Petition of Asa Aldis & others for a Bank, with an order of the House thereon that the same be referred to the committee on the

petition of Charles K. Williams & others—whereupon, *Resolved* to concur in said order of reference.

Received the Petition of the Hinesburgh literary society, with an order of the House thereon that the same be referred to a committee of 4 to join from Council. Whereupon, *Resolved* to concur in said order of reference, and Mr. Chittenden was appointed from Council.

Received the Petition of Daniel Elliot, with an order of the House thereon that the same be referred to the Committee on the petition of Clark Watson—whereupon, *Resolved* to concur in said order of reference.

The Council resumed the consideration of the petition of Hugh Platt, for pardon, whereupon, on motion of Mr. Dana of Orange, *Ordered*, that said petition be dismissed.

The petition of Samuel Thurston, for pardon, was taken up and read, and the question was put, "Shall a pardon be granted to the said Samuel Thurston?" which was determined in the affirmative as follows—Those who voted in the affirmative are Messrs. Berry, Chittenden, Judd, Phelps & Stanley—5. Those who voted in the negative are Messrs. Dana of O. Dana of Caledonia, Pratt, Proctor & Wetmore—5. The Council being equally divided, his Excellency the Governor gave his casting vote in the affirmative.

The Petition of William Annis, for pardon, was taken up & read, and the question was put, "Shall a pardon be granted the said William?" which was determined in the negative—Yeas 3, Nays 8. Those who voted in the affirmative are Messrs. Chittenden, Hatch & Judd. Those who voted in the negative are Messrs. Berry, Dana of O. Dana of C. Phelps, Pratt, Proctor, Stanley & Wetmore—so it was *Ordered*, that said petition be dismissed.

The petition of John Bradley, for pardon, was taken up and read—whereupon, on motion of Mr. Stanley, *Ordered* that said petition be dismissed.

The Petition of Solomon P. Wheeler, for pardon, was taken up and read—whereupon, on motion of Mr. Dana of C. *Ordered*, that said petition be dismissed.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor & Council met &c.

The Council resumed the consideration of the petition of Samuel Blackington—whereupon, on motion of Mr. Dana of C. *Ordered*, that said petition be dismissed.

The Petition of Lewis Cambridge, for pardon, was taken up and read, and the question was put, "Shall a pardon be granted the said Lewis Cambridge?" which was determined in the affirmative—Yeas 11, Nays 0. Those who voted in the affirmative are Messrs. Berry, Chittenden, Dana of O. Dana of C. Hatch, Judd, Phelps, Pratt, Proctor, Stanley & Wetmore.

The Petition of John Cully, for pardon, was taken up and read, and on motion of Mr. Wetmore the question was put, "Shall a pardon be granted the said John Cully, upon condition that he leave this State within twenty days, and not return within twenty years?" which was determined in the affirmative—Yeas 7, Nays 4. Those who voted in the affirmative are Messrs. Berry, Dana of O., Hatch, Judd, Pratt, Proctor & Wetmore. Those who voted in the negative are Messrs. Chittenden, Dana of C., Phelps & Stanley.

The petition of Thomas Davis, for pardon, was taken up and read, and on motion of Mr. Pratt the question was put, "Shall a pardon be granted the said Thomas Davis, upon condition that he leave this State within twenty days, and not return within twenty years?" which was deter-

mined in the affirmative—Yeas 8, Nays 3. Those who voted in the affirmative are Messrs. Berry, Chittenden, Dana of C. Judd, Phelps, Pratt, Stanley & Wetmore. Those who voted in the negative are Messrs. Dana of O. Hatch & Proctor.

Mr. Wetmore moved to reconsider the vote dismissing the petition of Caleb B. Cady, for pardon, and the question being put, "Will the Council reconsider said vote?" it was determined in the affirmative—and said petition was again considered by the Council. Whereupon, on motion of Mr. Dana of C. *Ordered*, that said petition be dismissed.

The Council resumed the consideration of [the petition of] John Evans, for pardon, and the question was put, "Shall a pardon be granted the said John Evans?" which was determined in the affirmative as follows. Those who voted in the affirmative are Messrs. Berry, Chittenden, Dana of C. Judd & Wetmore—5. Those who voted in the negative are Messrs. Dana of O. Hatch, Phelps, Proctor & Stanley—5. The Council being equally divided, his Excellency the Governor gave his casting vote in the affirmative. Whereupon, on motion of Mr. Wetmore, *Resolved*, that a condition be annexed to said pardon that said John leave this State within twenty days, and not return within twenty years.

The Petition of George Wheeler, for pardon, was taken up and read—whereupon, on motion of Mr. Dana of C. *Ordered*, that said petition be dismissed. The Petition of John Emerson, for pardon, was taken up and read—whereupon, on motion of Mr. Wetmore, *Ordered*, that said petition be dismissed.

Adjourned to 9 o'clock to morrow morning.

FRIDAY Oct. 18, 1822. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment.

The Council resumed the consideration of the petition of Asa Chamberlain, for pardon, and the question was put, "Shall a pardon be granted the said Asa?" which was determined in the affirmative—Yeas 9, Nays 3. Those who voted in the affirmative are, the Lt. Gov. Messrs. Berry, Chittenden, Hatch, Judd, Phelps, Pratt, Proctor & Wetmore. Those who voted in the negative are Messrs. Dana of O. Dana of C. & Stanley. Whereupon, on motion of Mr. Pratt, *Resolved*, that a condition be annexed to said pardon, that the said Asa leave this State within twenty days, and not return within twenty years.

The Petition of Hiram Kezar, for pardon, was taken up and read—and the question was put, "Shall a pardon be granted the said Hiram?" which was determined in the affirmative unanimously—yeas 12. Those who voted in the affirmative are, the Lt. Gov. Messrs. Berry, Chittenden, Dana of O. Dana of C. Hatch, Judd, Phelps, Pratt, Proctor, Stanley & Wetmore.

The Petition of John Rice, for pardon, was taken up and read, and the question was put, "Shall a pardon be granted the said John Rice?" which was determined in the affirmative unanimously. Those who voted in the affirmative are, the Lt. Gov. Messrs. Berry, Chittenden, Dana of O. Dana of C. Hatch, Judd, Phelps, Pratt, Proctor, Stanley & Wetmore.

The Petition of Elijah Groomes, for pardon, was taken up and read—whereupon, on motion of Mr. Wetmore, *Ordered*, that said petition be dismissed. The Petition of D. O. Gould, for pardon, was taken up and read—whereupon, on motion of the Lt. Gov. *Ordered*, that said petition be dismissed. The Petition of Thomas Hendlen, for pardon, was taken

up & read—whereupon, on motion of Mr. Wetmore, *Ordered*, that said petition be dismissed. The petition of William Johnson, for pardon, was taken up & read—whereupon, on motion of Mr. Dana of Cal. *Ordered*, that said petition be dismissed. The Petition of John Ham, for pardon, was taken up and read—whereupon, on motion of Mr. Dana of O. *Ordered*, that said petition be dismissed. The Petition of James Jerman, for pardon, was taken up and read—whereupon, on motion of the Lt. Gov. *Ordered*, that said petition be dismissed. The Petition of John Jones, for pardon, was taken up and read—whereupon, on motion of Mr. Dana of O. *Ordered*, that said petition be dismissed. The Petition of Horace Kimball, for pardon, was taken up and read—whereupon, on motion of the Lt. Gov. *Ordered*, that said petition be dismissed.

The Petition of Timothy Morgan, for pardon, was taken up and read, and the question was put, "Shall a pardon be granted the said Timothy?" which was determined in the affirmative—Yeas 7, Nays 4. Those who voted in the affirmative are Messrs. Chittenden, Dana of O. Hatch, Judd, Pratt, Stanley & Wetmore. Those who voted in the negative are, the Lt. Gov. Messrs. Berry, Dana of C. & Proctor.

The Petition of J. B. Putvah, for pardon, was taken up and read, and the question was put, "Shall a pardon be granted the said Putvah?" which was determined in the affirmative unanimously—Yeas 11. Those who voted in the affirmative are, the Lt. Gov. Messrs. Berry, Chittenden, Dana of O. Dana of C. Hatch, Judd, Pratt, Proctor, Stanley & Wetmore. Whereupon, on motion of the Lt. Gov. *Resolved*, that a condition be annexed to said pardon, that the said J. B. Putvah shall leave this State within twenty days, and not return within twenty years.

The Petition of Alfred Prentiss was taken up and read—whereupon, on motion of Mr. Dana of O. *Ordered*, that said petition be dismissed.

The Petition of Joshua N. Rollins, for pardon, was taken up and read, and the question was put, "Shall a pardon be granted the said Joshua?" which was determined in the affirmative, unanimously—Yeas 11. Those who voted in the affirmative are, the Lt. Gov. Messrs. Berry, Chittenden, Dana of O. Dana of C. Hatch, Judd, Phelps, Pratt, Proctor, Stanley & Wetmore.

Received the Petitions of Robert Temple, & of Job Lyman—also, the acct of Wm. A. Griswold disallowed by the Auditor of Acc^t ag^t the State, with an order of the House on each that the same be referred to the Committee of Claims—whereupon, *Resolved* to concur in said orders of reference.

Received the petitions of Gilman York—William Allen, and Ephraim Knight, with an order of the House on each that the same be referred to the Committee of Insolvency—whereupon, *Resolved* to concur in said orders of reference.

Received the Petition of 1 Comp^y of light Inf^y 2 Reg. 1 Brig. 2 Div. of Militia, with an order of the House thereon that the same be referred to the Military Committee—whereupon, *Resolved* to concur in said order of reference.

Received from the House a bill entitled "an act annexing the town of Woodbury in Caledonia County to Washington County," with an order of the House thereon that the same be referred to the committee on the petition of Concord—whereupon, *Resolved* to concur in said order of reference.

Received from the House a Communication made by the Gov. on the 15 inst. to the House, transmitting Resolutions from the States of Massachusetts, South Carolina, North Carolina, Kentucky, & Ohio, with an order of the House thereon that the same be referred to a committee of 4

to join from Council. Whereupon, *Resolved* to concur in said order of reference, and Mr. Hatch was appointed from Council.

Received the petition of Jonathan Fassett, with an order of the House thereon that the same be referred to a committee of 4 to join from Council. Whereupon, *Resolved* to concur in said order of reference, and Mr. Pratt was appointed from Council.

Received the petition of Polly Black, with an order of the House thereon that the same be referred to a committee of 4 to join from Council. Whereupon, *Resolved*, to concur in said order of reference, and Mr. Phelps was appointed from Council.

Received the Petition of George W. Rice, with an order of the House thereon that the same be referred to a committee of 2 to join from Council. Whereupon, *Resolved*, to concur in said order of reference, and Mr. Chittenden was appointed from Council.

Received the petition of the Inhabitants of Brookline, with an order of the House thereon that the same be referred to a committee of 4 to join from Council. Whereupon, *Resolved*, to concur in said order of reference, and Mr. Judd was appointed from Council.

Received the petition of Samuel Arnold, with an order of the House thereon that the same be referred to a committee of 4 to join from Council. Whereupon, *Resolved* to concur in said order of reference, and the Lt. Gov. was appointed from Council.

Received the petition of sundry inhabitants of Randolph, with an order of the House thereon that the same be referred to a committee of 4 to join from Council. Whereupon, *Resolved* to concur in said order of reference, and Mr. Stanley was appointed from Council.

Received the petition of sundry inhabitants of Parkerstown, with an order of the House thereon that the same be referred to a committee of 2 to join from Council. Whereupon, *Resolved* to concur in said order of reference, and Mr. Proctor was appointed from Council.

The House sent up the following resolution for concurrence, to wit: "IN GENERAL ASSEMBLY Oct. 16, 1822." *Resolved*, that a committee of six members from this house, to join from Council, be appointed to enquire into the propriety of appropriating the property of the Vermont State Bank for the support of common schools, and report by bill or otherwise"—which was read—whereupon, *Resolved* to concur in passing said resolution, and Mr. Dana of O. was appointed from Council.

Received from the House the Report of the Superintendent of the State prison—also, a bill entitled "an act directing the Treasurer to pay Ed. Simons, Oliver Farrar & William Williams the sum therein mentioned," with an order of the house on each that the same be referred to the Committee of Ways & Means. Whereupon, *Resolved* to concur in said orders of reference.

Received the petition of the inhabitants of Hog Island, with an order of the House thereon that the same be referred to the members from Grand Isle County, to join from Council. Whereupon, *Resolved* to concur in said order of reference, and Mr. Wetmore was appointed from Council.

Received the petitions of sundry inhabitants of Cambridge, Belvidere & Coit's Gore, with an order of the House thereon that the same be referred to a committee of 4 to join from Council. Whereupon, *Resolved* to concur in said order of reference, and Mr. Dana of C. was appointed from Council.

Received the petition of sundry inhabitants of Troy, Jay & Westford—also, The petition of Park Wood & others to annex Parker's Gore to Sherburne—also a bill entitled "an act annexing a part of the township

of Stockbridge & Sherburne to Pittsfield," with an order of the House on each that the same be referred to the last mentioned committee—whereupon, *Resolved* to concur in said orders of reference.

Received the Petition of the Adm^r of Levi Walker—also, a bill entitled "an act for the relief of persons imprisoned for debt," with an order of the House on each that the same be referred to the Judiciary Committee—whereupon, *Resolved* to concur in said orders of reference.

Received the petitions of Francis Ackley—of the Ex^{rs} of O. Gallup—and of Benj. Pratt, with an order of the House on each that the same be referred to the Committee of New Trials. Whereupon, *Resolved* to concur in said orders of reference.

The House sent up for revision & concurrence &c. an engrossed bill entitled "An act directing the Treasurer to pay Lemuel Whitney the sum therein mentioned," which was read—whereupon, *Resolved* to concur in passing this bill. Also, "An act empowering the Supreme Court to appoint a committee to survey, lay out and alter a certain road therein mentioned," which was read—whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Sec'y notify the House of the passage of the two last mentioned bills.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor & Council met &c.

The House sent up for revision & concurrence &c. an engrossed bill entitled "An act directing the Treasurer to pay Jonathan Dike Jr. the sum therein mentioned," which was read—whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Sec'y notify the House accordingly.

Received the Petition of Martin Roberts, with an order of the House thereon that the same be referred to the Military Committee. Whereupon, *Resolved* to concur in said order of reference.

The Gov. & Council attended in the Representatives' room for the purpose of electing Judges of the Supreme Court—after which they returned to the Council Chamber.¹

The Governor laid before the Council a communication from the Adjutant & Inspector Gen^l which was read—whereupon, on motion of Mr. Wetmore, *Ordered*, that said communication be referred to Messrs. Berry, Dana of Cal. & Phelps, to consider & report thereon.

The Council resumed the consideration of the petition of Ruluf Spaulding, for pardon, which was read—and the question was put, "Shall a pardon be granted to said Ruluf Spaulding?" which was determined in the affirmative—Yeas 8, Nays 1. Those who voted in the affirmative are Messrs. Chittenden, Dana of O. Dana of C. Hatch, Judd, Proctor, Stanley & Wetmore—Mr. Pratt voted in the negative. Whereupon, on motion of Mr. Chittenden, *Resolved*, that a condition be annexed to said pardon, that the said Ruluf leave this State within twenty days, & not return within twenty years.

The Council resumed the consideration of the petition of John Wilson, for pardon, which was read, and the question was put, "Shall a pardon be granted the said John Wilson?" which was determined in the affirmative—Yeas 7, Nays 2. Those who voted in the affirmative are Messrs. Chittenden, Dana of C. Judd, Phelps, Pratt, Stanley & Wetmore. Those who voted in the negative are Messrs. Dana of O. & Hatch. Whereupon, on motion of Mr. Pratt, *Resolved*, that a condition

¹The judges elected Oct. 17 and 18 were Cornelius P. Van Ness, Joel Doolittle, and Samuel Prentiss. Judge Prentiss declined the office, and Charles K. Williams was elected.

be annexed to said pardon, that the said John leave this State within twenty days, and not return within twenty years.

Received from the House the petition & remonstrance of the Directors of the Green Mountain Turnpike Co. with an order of the House thereon that the same be referred to the Turnpike Committee. Whereupon, *Resolved* to concur in said order of reference. The House sent up for revision & concurrence &c. an engrossed bill entitled "An act authorizing the Green Mountain Turnpike Company to resurvey and alter their road," which was read, and *Ordered* to lie on the table.

Received the petition of Ezekiel Austin, with an order of the House thereon that the same be referred to a committee of 2 to join from Council. Whereupon, *Resolved* to concur in said order of reference, and Mr. Hatch was appointed from Council.

Received the petition of the Town of Rochester, with an order of the House thereon that the same be referred to a committee of 4 to join from Council. Whereupon, *Resolved* to concur in said order of reference, and Mr. Pratt was appointed from Council.

Received the petition of Jeremiah French & others, with an order of the House thereon that the same be referred to a committee of 4 to join from Council. Whereupon, *Resolved* to concur in said order of reference, and Mr. Chittenden was appointed from Council.

Received the petition of sundry inhabitants of Shrewsbury, with an order of the House thereon that the same be referred to a committee of 4 to join from Council. Whereupon, *Resolved* to concur in said order of reference, and Mr. Dana of O. was appointed from Council.

Received the petition of John Love, with an order of the House thereon that the same be referred to the Committee of Claims. Whereupon, *Resolved* to concur in said order of reference.

Received the Petition of Silas Hathaway v. the adm^r of Zach. Peaslee—also the petition of Leonard Deming—with an order of the House on each that the same be referred to the Committee of New Trials. Whereupon, *Resolved* to concur in said orders of reference.

Received the Petitions of the Select men of Cabot—and of Timothy Burton & others, with an order of the House on each that the same be referred to the Turnpike Committee—whereupon, *Resolved* to concur in said orders of reference.

Adjourned to 9 o'clock to morrow morning.

SATURDAY Oct. 19, 1822. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment.

Received from the House a bill entitled "an act in addition to the several acts relating to highways," with an order of the House thereon that the same be referred to the Turnpike Committee. Whereupon, *Resolved* to concur in said order of reference.

The House sent up the following resolution for concurrence, to wit: "IN GENERAL ASSEMBLY Oct. 18, 1822. *Resolved*, that the Judiciary Committee be instructed to enquire into the expediency of passing a law establishing a uniform system for the support of schools throughout this State, and that they report by bill or otherwise"—which was read—whereupon, *Resolved* to concur in passing said resolution.

Received the petition of the Select men of Middletown, with an order of the House thereon that the same be referred to the Com^{rs} on the petition of Samuel Arnold—whereupon, *Resolved* to concur in said order of reference.

Received from the House a bill entitled "an act annexing the town of Morristown in Orleans County to Washington County," with an order

of the House thereon that the same be referred to a committee of 4 to join from Council. Whereupon, *Resolved* to concur in said order of reference, and Mr. Judd was appointed from Council.

Received from the House a letter communicated by the Gov. from R. Whiley of N. York on the subject of arms, with an order of the House thereon that the same be referred to the Military Committee. Whereupon, *Resolved* to concur in said order of reference.

Received from the House the account of Thomas Johnson, which has been disallowed by the Auditor of Accounts ag^t the State—also, a bill entitled “an act directing the Treasurer to pay Horace Everett the sum therein mentioned,” with an order of the House on each that the same be referred to the Committee of Claims. Whereupon, *Resolved* to concur in said orders of reference.

The House sent up the following resolution for concurrence, to wit: “IN GEN^L ASSEMBLY Oct. 18, 1822. *Resolved*, that the committee raised on the resolution of Mr. Haight, relative to the disposition of the State bank property to the support of common schools, be instructed to enquire into the expediency of granting & appropriating so much of said property as is situated in the Counties of Rutland and Addison, or is due from the inhabitants of said Counties, as shall not exceed the sum of four thousand dollars, to the use & benefit of the Medical Academy incorporated & established at Castleton; and make report thereon by bill or otherwise”—which was read—whereupon, *Resolved* to concur in passing said resolution.

The Council resumed consideration of the engrossed bill entitled “An act authorizing the Green Mountain Turnpike Company to resurvey and alter their road”—which was again read. Whereupon, *Resolved* to concur in passing this bill—and *Ordered*, that the Sec’y notify the House accordingly.

The petition of Phebe Mumford, now confined in the gaol at Middlebury, convicted Jan^y Term 1822 of concealing the death of a bastard child, and fined fifty dollars—that said fine be remitted—was taken up & read, and the question was put, “Shall said fine be remitted?” which was determined in the affirmative.

The Governor laid before the Council a letter from the Governor General of Canada, with sundry accompanying papers, whereupon Mr. Phelps introduced the following resolution: “IN COUNCIL Oct. 19, 1822. *Resolved*, that an enquiry be immediately instituted on the subject of the communications from the Gov. Gen^L of Canada, in relation to certain individuals, citizens of this State, alledged [alleged] to have been concerned in forcibly taking the property of a subject of that Government and transporting the same within the limits of this State, where it is said to be still detained—that the result of said inquiry may be laid before the President of the United States”—which was read & ordered to lie on the table.

Received from the House a bill entitled “an act to continue in force an act incorporating certain persons therein mentioned by the name of the Vermont Mineral factory Company,” with an order of the House thereon that the same be referred to the committee of Manufactures—whereupon, *Resolved* to concur in said order of reference.

Adj^d to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor & Council met &c.

The House sent up the following resolution for concurrence, to wit: “IN GEN^L ASSEMBLY Oct. 19, 1822. *Resolved*, that the committee raised on the resolution introduced by Mr. Haight to inquire into the expediency of appropriating the property of the Vermont State bank to the

support of common schools, be instructed to enquire into the expediency of appropriating some part of the property belonging to the State bank for the education of the deaf & dumb, residing within this State, and report by bill or otherwise"—which was read—whereupon, *Resolved* to concur in passing this resolution.

Received from the House a bill entitled "an act giving certain powers to a road committee therein mentioned," with an order of the House thereon that the same be referred to the Turnpike Committee. Whereupon, *Resolved* to concur in said order of reference.

Received from the House a bill entitled "an act directing the Treasurer to credit the first constable of the town of Middletown the sum therein mentioned," with an order of the House thereon that the same be referred to the Committee of Claims—whereupon, *Resolved* to concur in said order of reference. Received from the House an account of Major Hawley & others, disallowed by the Auditor of Accounts against the State—also, a bill entitled "an act directing the Treasurer of this State to pay Elihu DeForest the sum therein mentioned," with an order of the House on each that the same be referred to the Committee of Claims. Whereupon, *Resolved* to concur in said orders of reference.

Received from the House the petition of the select men of Londonderry—also, a bill entitled "an act to enable Benjamin Hall to hold real estate," with an order of the House on each that the same be referred to the Judiciary Committee. Whereupon, *Resolved* to concur in said orders of reference.

Adjourned to Monday morning next.

MONDAY Oct. 21, 1822. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment.

Mr. Wetmore, on leave, introduced a bill entitled "an act in addition to an act constituting Probate Courts and defining their powers, and regulating the settlement of testate and intestate estates, and the guardianship of minors & insane persons"—which was read & referred to the Judiciary Committee.

Received from the House a communication made by the Gov. on the 19 inst. transmitting a communication from the Adj. & Inspector General on the subject of military returns, with an order of the House thereon that the same be referred to the Military Committee. Whereupon, *Resolved* to concur in said order of reference.

Received from the House a bill entitled "an act relating to bastards and bastardy"—also, a bill entitled "an act relating to pardons," with an order of the House on each that the same be referred to the Judiciary committee. Whereupon, *Resolved* to concur in said orders of reference.

The House sent up the following resolution for concurrence, to wit: "IN GEN^L ASSEMBLY Oct. 19, 1822. *Resolved*, that the committee on the subject of fees and salaries be instructed to enquire into the propriety of allowing the keepers of gaols a compensation for furnishing fuel for prisoners confined in gaol, and report by bill or otherwise"—which was read. Whereupon, *Resolved* to concur in passing said resolution.

The House sent up the following resolution for concurrence, to wit: "IN GEN^L ASSEMBLY Oct. 19, 1822. *Resolved*, that the Committee of Manufactures be directed to enquire into the expediency of enacting a law exempting the artists & workmen, while employed in the furnace at Bennington, from military duty, and to report by bill or otherwise," which was read. Whereupon, *Resolved* to concur in passing said resolution.

The House sent up the following resolution for concurrence, to wit: "IN GENERAL ASSEMBLY Oct. 19, 1822. *Resolved*, the Gov. & Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of regulating tenders by statute, where there is a contract for the payment or delivery of any specific article or articles; and also, to provide for the keeping & safety of all such article or articles when tendered on such contracts, when no person appears at the time & place specified in said contract for the delivery thereof, who is authorized to receive the same"—which was read—whereupon, *Resolved* to concur in passing said resolution.

The House sent up for revision & concurrence &c. an engrossed bill entitled "An act laying a tax of three cents per acre on lands in the town of Morgan," which was read—whereupon, *Resolved* to concur in passing this bill. Also, "An act authorizing the Superintendent of the Vermont State prison to dispose of the waste water conveyed to the same, on certain conditions," which was read—whereupon, *Resolved* to concur in passing this bill. Also, "An act directing the Treasurer to pay the sum therein mentioned," which was read—whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House of the passage of the three bills last mentioned.

The petition of Thomas Waters, for pardon, was taken up and read—and the question was put, "Shall a pardon be granted the said Thomas?" which was determined in the affirmative—Yeas 5, Nays 3. Those who voted in the affirmative are Messrs. Berry, Judd, Phelps, Pratt & Wetmore. Those who voted in the negative are, Messrs. Hatch, Proctor & Stanley.

The petition of Theodore Staples, for pardon, was taken up and read—whereupon, on motion of Mr. Stanley, *Ordered*, that said petition be dismissed.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act directing the Treasurer to pay Alexander Leland the sum therein mentioned"—which was read & ordered to lie on the table. Also, "An act directing the Treasurer to pay James Henry and George Seaman the sum therein mentioned"—which was read & ordered to lie on the table. Also, "An act directing the Treasurer to pay Asa Knight the sum therein mentioned"—which was read & ordered to lie on the table. Also, "An act for the relief of Samuel Hopkins"—which was read & ordered to lie on the table.

Adjourned to 2 o'clock P. M.

2 o'clock P. M.—The Governor & Council met &c.

The petition of John Barns, for pardon, was taken up and read—whereupon, on motion of Mr. Wetmore, *Ordered*, that said petition be dismissed. The petition of Thomas Williams, for pardon, was taken up and read—whereupon, on motion of Mr. Phelps, *Ordered*, that said petition be dismissed. The petition of Ira Harrington, for pardon, was taken up and read—whereupon, on motion of Mr. Wetmore, *Ordered*, that said petition be dismissed.

Mr. Butler, a member of this Council, appeared, took & subscribed the affirmations of office, and took his seat.

The House sent up the following resolution for concurrence, to wit: "IN GEN^L ASSEMBLY Oct. 21, 1822. *Resolved*, the Gov. & Council concurring herein, that both houses meet in joint committee in the representatives' room, to-morrow at 10 o'clock in the forenoon, for the purpose of electing a Warden and Superintendent of the State's prison"—which was read. Whereupon, *Resolved* to concur in passing said resolution. *Ordered*, that the Sec'y notify the House accordingly.

The House sent up the following resolution for concurrence, to wit: "IN GEN^L ASSEMBLY Oct. 21. *Resolved*, that the committee raised on M^r. Haight's resolution relative to the Vermont State bank be directed to enquire into the expediency of appropriating the property of said bank for the purpose of arming & disciplining the militia of this State, and report by bill or otherwise"—which was read—whereupon, *Resolved* to concur in passing this resolution.

The House sent up the following resolution for concurrence, to wit: "IN GEN^L ASSEMBLY Oct. 21, 1822. *Resolved*, that the Judiciary committee be directed to enquire into the propriety of appointing a reporter to report the decisions of the Supreme Court and Court of Chancery within this State, and report by bill or otherwise," which was read—whereupon, *Resolved* to concur in said resolution.

The House sent up the following resolution for concurrence, to wit: "IN GEN^L ASSEMBLY Oct. 21, 1822. *Resolved*, the Gov. & Council concurring herein, that the Military Committee be instructed to enquire into the expediency of authorizing his Excellency the Gov. to exchange with the officers of the U. States ordnance department a portion of the small arms due this State from the U. States agreeably to the act of Congress of 1808, of equivalent value, for a gun carriage, caisson, & harness, complete, for mounting a six pounder of the U. States modern pattern; or whether it is expedient to appropriate a sum of money for that object," which was read—whereupon, *Resolved* to concur in passing said resolution.

The House sent up the following resolution for concurrence, to wit: "IN GEN^L ASSEMBLY Oct. 21, 1822. *Resolved*, the Gov. & Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of providing by law for taxing the property of non residents in school districts, for the erection of school houses in said districts; and that they have leave to report by bill or otherwise"—which was read. Whereupon, *Resolved* to concur in passing this resolution.

Received from the House a communication made by the Governor, transmitting a letter from the Gov. of Ohio, on the subject of exchanging maps, with an order of the House thereon that the same be referred to a committee of 2 to join from Council. Whereupon, *Resolved* to concur in said order of reference, and M^r. Phelps was appointed from Council.

The House sent up the following resolution for concurrence; to wit: "IN GEN^L ASSEMBLY Oct. 21, 1822. *Resolved*, that the committee raised on the communication of the Gov. of Ohio be directed to enquire into the expediency of providing means and taking measures to exchange maps with the several States in the Union"—which was read—whereupon, *Resolved* to concur in passing this resolution.

Received from the House the Memorial of the Mayor &c. of the City of Washington, on the subject of lotteries &c. with an order of the House thereon that the same be referred to a committee of 4 to join from Council—whereupon, *Resolved* to concur in said order of reference, and M^r. Wetmore was appointed from Council.

Received from the House a communication from the library Committee of Congress to the Gov. with an order of the House thereon that the same be referred to a committee of 2 to join from Council. Whereupon, *Resolved* to concur in said order of reference, and M^r. Hatch was appointed from Council.

Received the petition of John Reed, with an order of the House thereon that the same be referred to a committee of 2 to join from Council. Whereupon, *Resolved* to concur in said order of reference, and M^r. Pratt was appointed from Council.

Received from the House a bill entitled "an act directing the Treasurer of this State to pay Samuel Towseley the sum therein mentioned," with an order of the House thereon that the same be referred to a committee of 3 to join from Council. Whereupon, *Resolved* to concur in said order of reference, and Mr. Judd was appointed from Council.

Received from the House the petition of David Hubbard—also, a bill entitled "an act authorizing the Treasurer to pay David Hopkins Jr. the sum therein mentioned," with an order of the House on each that the same be referred to the Com^{tee} of Claims—whereupon, *Resolved* to concur in said orders of reference.

Received from the House a bill entitled "an act in addition to the several acts relating to highways," with an order of the House thereon that the same be referred to the Judiciary Committee—whereupon, *Resolved* to concur in said order of reference.

Received from the House a bill entitled "an act incorporating Hog Island into a town by the name of Elizabethtown," with an order of the House thereon that the same be referred to the committee to whom was referred the petition from the inhabitants of Hog Island—whereupon, *Resolved* to concur in said order of reference.

The House sent up for revision & concurrence &c. an engrossed bill entitled "An act to continue in force an act incorporating certain persons therein named by the name of the Vermont Mineral factory company," which was read, & ordered to lie on the table.

The Council resumed the consideration of the engrossed bill entitled "An act directing the Treasurer to pay James Henry & George Seaman the sum therein mentioned," which was again read—whereupon, *Resolved* to concur in passing this bill. Also, "An act directing the Treasurer to pay Asa Knight the sum therein mentioned," which was again read—whereupon, *Resolved* to concur in passing this bill. Also, "An act directing the Treasurer to pay Alexander Leland the sum therein mentioned," which was again read—whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Sec'y notify the House of the passage of the three bills last mentioned.

The House sent up for revision & concurrence &c. an engrossed bill entitled "An act laying a tax of two cents on the acre on lands in the town of Kirby," which was read. Mr. Wetmore moved to amend said bill by inserting the word "*pious*" immediately after the word "public"—which was adopted. Whereupon, *Resolved* to concur in passing said bill with the amendment. *Ordered*, that the Sec'y notify the House accordingly, & request their concurrence in the amendment.

Adjourned to 9 o'clock to-morrow morning.

TUESDAY Oct. 22, 1822. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment.

The House sent up the following resolution for concurrence, to wit: "IN GEN^l ASSEMBLY Oct. 21, 1822. *Resolved*, that the Judiciary committee be instructed to enquire into the propriety of passing a law directing listers in their office and duty, in relation to taxing public lands, and buildings thereon standing; and report by bill or otherwise"—which was read—whereupon, *Resolved* to concur in passing said resolution.

The House sent up the following resolution for concurrence, to wit: "IN GEN^l ASSEMBLY Oct. 21, 1822. *Resolved*, that the Judiciary Committee be instructed to enquire into the expediency of passing a law exempting from mesne process and final execution, unfinished property of mechanics, to a certain amount, with leave to report by bill or other-

wise"—which was read—whereupon, *Resolved* to concur in passing this resolution.

The House sent up the following resolution for concurrence, to wit: "IN GEN^L ASSEMBLY Oct. 21, 1822. *Resolved*, that the committee on Manufactures be instructed to enquire into the expediency of encouraging the making and refining of maple sugar, within this State, by bounties or otherwise, as they shall think proper; and report by bill or otherwise"—which was read—whereupon, *Resolved* to concur in passing this resolution.

Received the petition of the select men & overseers of the poor of Northfield, with an order of the House thereon that the same be referred to the Committee of Claims. Whereupon, *Resolved* to concur in said order of reference.

Received the petition of Rob^t Temple with the report of the Committee of Claims thereon, with an order of the House that the same be referred to the Military Committee. Whereupon, *Resolved* to concur in said order of reference.

The Gov. & Council attended in the Representatives' room for the purpose of electing a Superintendent of the State prison &c. after which they returned to the Council chamber.¹

Received from the House a bill entitled "an act to provide for the survey of a certain road therein mentioned," with an order of the House thereon that the same be referred to the Turnpike Committee. Whereupon, *Resolved* to concur in said order of reference.

The Council resumed the consideration of the engrossed bill entitled "An act to continue in force an act incorporating certain persons therein named by the name of the Vermont Mineral factory Company," which was again read—whereupon, *Resolved* to concur in passing this bill. The House sent up for revision and concurrence &c. an engrossed bill entitled "An act annexing a part of the town of Stockbridge and Sherburne to Pittsfield"—which was read—whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Secretary notify the House of the passage of the two last mentioned bills.

Mr. Stanley called up the petition of sundry militia officers of Roxbury, Warren, Waitsfield, Fayston & Moretown, for a new Regiment, which was referred from the last session of the Council—which was read—whereupon, on motion, *Ordered*, that the same be referred to the committee to whom was referred the Communication from the Adjutant & Inspector General of the 18 inst.

Adjourned to 2 o'clock P. M.

2 P. M.—Gov. & Council met &c. and adjourned to 9 o'clock to-morrow morning.

WEDNESDAY Oct. 23, 1822. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment.

Received from the House the petition of sundry inhabitants of Randolph &c. and report of the committee thereon, with an order of the House that the same be re-committed. Whereupon, *Resolved* to concur in said order of re-commitment.

Received from the House the petition of Benjamin Bancroft—also the account of Geo. W. Drew, disallowed by the Auditor of Accounts against the State—also a bill entitled "an act directing the Treasurer to pay

¹ Jabesh Hunter was elected Warden, and John H. Cotton Superintendent.

Nathan Fuller the sum therein mentioned"—with an order of the House on each that the same be referred to the Committee of Claims. Whereupon, *Resolved* to concur in said orders of reference.

The House sent up the following resolution for concurrence, to wit: "IN GEN^L ASSEMBLY Oct. 22, 1822. *Resolved*, that the Committee of Ways & Means be instructed to report a bill providing for the compensation of the Superintendent of the State prison"—which was read—whereupon, *Resolved* to concur in passing said resolution.

The House sent up the following resolution for concurrence, to wit: "IN GEN^L ASSEMBLY Oct. 22, 1822. *Resolved*, the Gov. & Council concurring herein, that the Committee appointed to make up the grand list be and they hereby are directed to place to the lists of the several towns in this State, the same sums, as the valuation of their lands, houses and house lots, mills &c. that were placed to such towns in the General list of this State for the year 1821, after deducting for losses by fire or otherwise as returned by the listers the present year"—which was read and referred to Messrs. Wetmore, Butler & Stanley, to consider & report thereon.

The House sent up the following resolution for concurrence, to wit: "IN GEN^L ASSEMBLY Oct. 22, 1822. *Resolved*, the Gov. & Council concurring herein, that the Judiciary committee be instructed to inquire into the expediency of repealing an act in addition to an act entitled an act reducing into one the several acts for laying out, making, repairing and clearing highways, passed Nov. 15, A. D. 1820—and an act making further provisions for opening new highways, passed Nov. 2, 1821; as scruples have arisen with regard to the constitutionality of the aforesaid acts; and report by bill or otherwise"—which was read—whereupon, *Resolved* to concur in passing this resolution.

The House sent up the following resolution for concurrence, to wit: "IN GEN^L ASSEMBLY Oct. 22, 1822. *Resolved*, that the Military Committee be instructed to inquire into the expediency of so altering the 13th section of the Militia law of 1818 that the commanders of Regiments shall have power to fill up light companies from such standing companies in their regiments as they may think proper"—which was read—whereupon, *Resolved* to concur in passing this resolution.

Received the petition of Silas N. Eastman & others, with an order of the House thereon that the same be referred to the Military committee. Whereupon, *Resolved* to concur in said order of reference.

Received from the House a bill entitled "an act declaring the Academy in Bradford to be a County Grammar School in the County of Orange," with an order of the House thereon that the same be referred to the members from Orange County to join from Council. Whereupon, *Resolved* to concur in said order of reference, and Mr. Dana of O. was appointed from the Council.

A communication was received from the Speaker of the House informing the Gov. & Council that the House have concurred in the amendments proposed by the Gov. & Council to the bill entitled "An act laying a tax of two cents on the acre on the land in the town of Kirby."

The House sent up for revision & concurrence &c. an engrossed bill entitled "An act for annexing Hyde's Island to the town of North Hero," which was read—whereupon, *Resolved* to concur in passing this bill. Also, "An act laying a tax of four cents on each acre of land in the township of Kingston," [Granville,] which was read—whereupon, *Resolved* to concur in passing this bill. Also, "An act laying a tax of three cents per acre on the town of Groton in the County of Caledonia"—which was read, whereupon, *Resolved* to concur in passing this bill.

Also, "An act establishing and incorporating an Academy in Vergennes"—which was read. Mr. Pratt moved an amendment by inserting the word "*dollars*" after the word "thousand" in the 4th section—which was adopted. Whereupon, *Resolved* to concur in passing this bill with the proposed amendment. *Ordered*, that the Sec'y notify the House of the passage of the 4 last mentioned bills, and request their concurrence in the last mentioned amendment.

Mr. Stanley called up the petition of the officers & soldiers of the 9th Company, 3 Reg. 3 Brig. 4 Div. to be transferred to 5 Reg. 2 Brig. of 4 Div. and on motion, *Ordered*, that the same be referred to the Committee to whom was referred the communication of the Adjutant & Inspector Gen^l of the 18 inst.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Gov. & Council met &c.

Received from the House a bill entitled "an act directing the Treasurer of the County of Windsor to credit Rhodolphus Brown, first constable of Sharon, the sum therein mentioned," with an order of the House thereon that the same be referred to the members from the County of Windsor to join from Council. Whereupon, *Resolved* to concur in said order of reference, and Mr. Hatch was appointed from Council. Also, received a bill entitled "an act directing the Treasurer of Windsor County to credit Daniel Ashcroft the sum therein mentioned," with an order of the House thereon that the same be referred to the last mentioned Committee. Whereupon, *Resolved* to concur in said order of reference.

Adjourned to 9 o'clock to-morrow morning.

THURSDAY Oct. 24, 1822. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment.

Received from the House the petition of sundry inhabitants of Weston—also, a bill entitled "an act granting the right of representation to the town of West Fairlee," with an order of the House on each that the same be referred to the Committee to whom was referred the petition from Brookline—whereupon, *Resolved* to concur in said orders of reference.

Received from the House the petition of the widow and heirs of Abel Fisk—also, a bill entitled "an act authorizing the Supreme Court to grant Polly Black a bill of Divorce," with an order of the House on each that the same be referred to the Judiciary Committee. Whereupon, *Resolved* to concur in said orders of reference.

The House sent up the following resolution for concurrence, to wit: "IN GEN^l ASSEMBLY Oct. 23, 1822. *Resolved*, that the Judiciary Committee be instructed to enquire into the expediency of passing an act explanatory of the 48th section of an act constituting the Supreme Court of Judicature & County Courts, defining their powers and regulating judicial proceedings"—providing that suits shall not be sustained by persons not actual inhabitants of this State against any person being an inhabitant of this State, in any other County except in the County in which the Def^t. shall live"—which was read—whereupon, *Resolved* to concur in passing this resolution.

The House sent up the following resolution for concurrence, to wit: "IN GENERAL ASSEMBLY Oct. 23, 1822. *Resolved*, that the Judiciary committee be instructed to enquire into the propriety of authorizing all regular ordained ministers of the gospel to solemnize marriages in any county in this State; and report by bill or otherwise"—which was read—whereupon, *Resolved* to concur in passing this resolution.

The House sent up the following resolution for concurrence, to wit : "In GENERAL ASSEMBLY Oct. 23, 1822. *Resolved*, the Gov. & Council concurring herein, that the Judiciary committee be instructed to enquire into the expediency of authorizing the Supreme Court in their discretion to allow claims against the State for pursuing & bringing to justice persons guilty of felony, other than such claims as are provided for in the several items contained in the fee bill"—which was read—whereupon, *Resolved* to concur in passing this resolution.

Received from the House a bill entitled "an act for the relief of Joseph Culver," with an order of the House thereon that the same be referred to a committee of 4 to join from Council. Whereupon, *Resolved* to concur in said order of reference, and Mr Stanley was appointed from Council.

Received from the House a bill entitled "an act repealing an act therein mentioned," with an order of the House thereon that the same be referred to the committee on the petition of Elisha W. Parsons & others. Whereupon, *Resolved* to concur in said order of reference.

Received from the House a bill entitled "an act in addition to an act entitled an act to lay out a road from Chelsea &c. to Bradford &c." with an order of the House thereon that the same be referred to a committee of 2 to join from Council. Whereupon, *Resolved* to concur in said order of reference, and Mr Pratt was appointed from Council.

Received from the House a bill entitled "an act annexing a part of the town of Waitsfield to the town of Northfield," with an order of the House thereon that the same be referred to the committee on the petition of the inhabitants of Concord—whereupon, *Resolved* to concur in said order of reference.

Received the petition of Benjamin Pratt, with an order of the House thereon that the same be referred to the Committee of New Trials—whereupon, *Resolved* to concur in said order of reference.

Received from the House a bill entitled "an act directing the Treasurer to pay Israel P. Richardson the sum therein mentioned"—also, "an act directing the Treasurer to pay David Morse the sum therein mentioned"—also, "an act directing the Treasurer to pay Job Lyman the sum therein mentioned"—with an order of the House on each that the same be referred to the Committee of Claims. Whereupon, *Resolved* to concur in said orders of reference.

Received the petition of Marcus Allen, with an order of the House thereon that the same be referred to the Military Committee. Whereupon, *Resolved* to concur in said order of reference.

Received from the House a bill entitled "an act to repeal the first proviso in the first section of an act therein mentioned," with an order of the House thereon that the same be referred to the committee on Mr Robinson's resolution relating to the subject of this bill—whereupon, *Resolved* to concur in said order of reference.

Received from the House a bill entitled "an act for the relief of Prentiss Bugbee," with an order of the House thereon that the same be referred to the Committee of Insolvency—whereupon, *Resolved* to concur in said order of reference.

Received from the House the petition of Mason Easterbrooks, & the report of the committee, with an order of the House thereon that the same be recommitted to the Committee of Insolvency. Whereupon, *Resolved* to concur in said order of recommitment.

Benjamin Swan Esq. Treasurer of this State, appeared in Council, and presented a bond in due form, for the faithful discharge of the duties of his office, dated the 15 Oct. inst. signed by Elias Keyes and James H. Langdon as sureties—which bond was approved by the Council, and the

oaths of office were administered to the said Benjamin, by the Governor, in the presence of the Council.

M^r Stanley moved that the vote dismissing the petition of William Annis, for pardon, be reconsidered—and the question being put on said motion, it was determined in the affirmative—and said petition was again taken up & considered, and ordered to lie on the table.

The House sent up for revision & concurrence &c. an engrossed bill entitled "An act for compensating the Superintendent of the Vermont State prison"—which was read—whereupon, *Resolved* to concur in passing this bill. Also, "An act directing the Treasurer of this State to pay Horace Everett the sum therein mentioned," which was read—whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Sec'y notify the House of the passage of the two last mentioned bills.

The House also sent up for concurrence an engrossed bill entitled "An act for the relief of Peter Cook," which was read, & ordered to lie on the table. Also, "An act for the relief of Elihu Smith," which was read, & ordered to lie on the table. Also, "An act directing the Treasurer to pay Martin Roberts the sum therein mentioned," which was read, and ordered to lie on the table. Also, "An act for the relief of David L. Fowles," which was read, and ordered to lie on the table. Also, "An act appropriating the State tax in the town of Londonderry in the County of Windham, on the grand list of 1822, for the purpose of repairing roads and building bridges in said town," which was read, and ordered to lie on the table.

The petition of Harvey Medcalf, for pardon, was taken up and read—whereupon, on motion of **M^r Butler**, *Ordered*, that said petition be dismissed.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Gov. & Council met &c.

The House sent up the following resolution, of this date, for concurrence, to wit: "*Resolved*, the Gov. & Council concurring herein, that the two houses meet in joint committee in the representatives' room, at three o'clock in the afternoon of this day, for the purpose of electing six Trustees of the University of Vermont, to supply the place of John Pomeroy, Truman Chittenden, Heman Allen, Jabez Penniman, and Samuel Hickok, whose terms of office will expire on the last day of November next, and of the Rev. Daniel Haskell, who has resigned his office"—which was read—whereupon, *Resolved* to concur in passing this resolution. *Ordered*, that the Sec'y notify the House accordingly.

The Council resumed the consideration of the bill entitled "An act appropriating the State tax in the town of Londonderry in the County of Windham, on the Grand list of 1822, for the purpose of repairing roads and building bridges in said town"—which was again read—whereupon, on motion of **M^r Wetmore**, *Resolved* to non concur in passing this bill—Yeas 12, Nays 0. Those who voted in the affirmative are Messrs. Berry, Butler, Chittenden, Dana of O. Dana of C. Hatch, Judd, Phelps, Pratt, Proctor, Stanley & Wetmore. **M^r Butler** was appointed to report reasons &c.

The Council resumed the consideration of the bill entitled "An act for the relief of Samuel Hopkins"—which was again read, and ordered to lie on the table.

Adjourned to 9 o'clock to-morrow morning.

¹ Heman Allen of Milton, Truman Chittenden, Rev. Rufus W. Bailey, D. Azro A. Buck, Daniel Kellogg, and Enoch D. Woodbridge were elected.

FRIDAY Oct. 25, 1822. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment.

The House sent up the following resolution for concurrence, to wit :
"IN GENERAL ASSEMBLY Oct. 24, 1822. *Resolved*, the Gov. & Council concurring herein, that both houses meet in joint committee in the representatives' room, at ten o'clock to-morrow morning, for the purpose of electing a Major General in the 4th Division, and a Brig. General in the 3^d brigade & 3 division of militia of this State—also to elect a Surveyor General, and an Auditor of Accounts against the State, for the year ensuing." Which was read—whereupon, *Resolved* to concur in passing this resolution. *Ordered*, that the Sec'y notify the House accordingly.¹

The House sent up the following resolution for concurrence, to wit :
"IN GEN^L ASSEMBLY Oct. 24, 1822. *Resolved*, that the Judiciary committee be instructed to inquire into the expediency of providing by law for the removal of Guardians appointed by virtue of the 14 Sec. of an act entitled "An act defining what shall be deemed a legal settlement &c. passed 3 March 1797, and of providing for the manner in which such guardians shall render their accounts"—which was read—whereupon, *Resolved* to concur in passing this resolution.

The House sent up the resolution of the 19th inst. instructing the Judiciary committee on the subject of tenders on contracts for the delivery of specific articles, & the report of the committee thereon, with an order of the House that the same be re-committed. Whereupon, *Resolved* to concur in said order of re-commitment.

The House sent up the following resolution for concurrence, to wit :
"IN GEN^L ASSEMBLY Oct. 24, 1822. *Resolved*, that the Military committee be instructed to inquire into the expediency of making provision by law, whereby the militia in the several towns in this State may be accommodated with suitable parade ground to perform the duties required by law, for the militia annually to perform"—which was read—whereupon, *Resolved* to concur in passing this resolution.

Received from the House a bill entitled "an act in addition to & alteration of an act entitled an act regulating & governing the militia of this State," with an order of the House thereon that the same be referred to the Judiciary committee. Whereupon, *Resolved* to concur in said order of reference.

Received from the House a bill entitled "an act laying a tax of four cents per acre on the town of Goshen," with an order of the House thereon that the same be referred to the land tax committee. Whereupon, *Resolved* to concur in said order of reference.

A communication was received from the Speaker of the House informing the Gov. & Council that the House have concurred in the amendment proposed to the bill entitled "an act establishing & incorporating an academy in Vergennes."

The House sent up for revision & concurrence &c. an engrossed bill entitled "An act in addition to an act constituting the Supreme Court of Judicature & County Courts, defining their powers and regulating judicial proceedings," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "An act directing the Treasurer of this State to pay William A. Griswold the sum therein mentioned"—which was read—whereupon, *Resolved* to concur in passing this bill. Also, "An act laying a tax of four cents per acre on the town of Coventry," which was

¹ Joseph Edson was elected Major General, Samuel Fairbanks Brigadier General, Norman Williams Auditor of Accounts, and Alden Partridge Surveyor General.

read, whereupon, *Resolved* to concur in passing this bill. Also, "An act directing the Treasurer to pay Thomas Johnson the sum therein mentioned"—which was read, whereupon, *Resolved* to concur in passing this bill. Also, "An act to provide for the resurvey of a certain road therein mentioned," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "An act directing the Treasurer to credit the first constable of the town of Maidstone the sum therein mentioned," which was read—whereupon, *Resolved* to concur in passing this bill. Also, "An act relating to pardons," which was read.—Mr. Phelps moved to propose an amendment to the title of said bill by striking out the word "*pardons*" and insert in lieu thereof the words "the discharge of convicts in the state prison"—which was adopted—whereupon, *Resolved* to concur in passing said bill with the proposed amendment. *Ordered*, that the Sec'y notify the House of the passage of the 7 bills last mentioned, & request their concurrence in the last mentioned amendment.

Mr. Butler reported the following reasons for non concurring the bill entitled "An act appropriating the State tax in the town of Londonderry in the County of Windham on the grand list of 1822 for the purpose of repairing roads and building bridges in said town," to wit: *First*.—Because to make & maintain the roads in one town at the expence of the whole State, while all other towns are left to make & maintain their own, is unequal & unjust. It is believed that the State have never before in this way undertaken to relieve any town from inconveniences of a natural kind under which it might labor in making & supporting highways. The principle embraced in the bill is considered to be new and dangerous. *Second*.—Because the inhabitants of each town have always been, and are still by general laws, compelled to make & maintain their own roads; and they ordinarily receive a full compensation for the expence in the rise of their real estate, & the additional conveniences they enjoy"—which were read and adopted, and *Ordered*, that the Sec'y return said bill to the House of representatives, with the reasons aforesaid.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Gov. & Council met &c.

The House sent up for revision & concurrence &c. an engrossed bill entitled "An act directing the Treasurer to pay Martin Roberts the sum therein mentioned," which was read—whereupon, *Resolved* to concur in passing this bill. Also, "An act for the relief of Elihu Smith," which was read—whereupon, *Resolved* to concur in passing this bill. The Council resumed the consideration of the bill entitled "An act authorizing the light infantry company in the 2^d Reg^t 1 Brig. & 2^d Div. to enlist from the standing companies," which was again read—whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Sec'y notify the House of the passage of the three bills last mentioned.

The Council resumed the consideration of the bill entitled "An act for the relief of Samuel Hopkins," which was again read—whereupon, on motion of Mr. Wetmore, *Resolved* to non concur in passing this bill, and Mr. Wetmore was appointed to report reasons for the non concurrence of the Gov. & Council, who forthwith reported the following, to wit: "The Gov. & Council are advised that the said Samuel Hopkins has executed several gaol bonds to the gaoler in due form, thereby giving the said Samuel the liberties of the Gaol yard; and that said Samuel is now in the liberties. The Gov. & Council are of opinion that the principle of the bill takes from the Gaoler & creditors their remedy on said Gaol bonds, thereby impairing the obligation of the contract entered into by the said Samuel Hopkins on executing said bond—which is repugnant to the first article of the 10 Sec. of the Constitution of the U.

States"—which was read & adopted as the reasons of Council, and *Ordered*, that the Sec'y return said bill, together with the reasons aforesd⁴ to the House of Representatives.

The House sent up for revision & concurrence &c. an engrossed bill entitled "An act for the relief of Peter Cook," which was read. Mr. Dana of O. moved that the Council do non concur in passing this bill—and the question being put, was determined in the negative—Yeas 4, Nays 6. Those who voted in the affirmative are Messrs. Berry, Butler, Dana of O. & Wetmore. Those who voted in the negative are Messrs. Chittenden, Dana of C. Judd, Phelps, Proctor & Stanley. Whereupon, *Resolved* to concur in passing this bill—Yeas 6, Nays 5. Those who voted in the affirmative are Messrs. Chittenden, Dana of C. Judd, Phelps, Proctor & Stanley. Those who voted in the negative are Messrs. Berry, Butler, Dana of O. Pratt & Wetmore. *Ordered*, that the Sec'y notify the House accordingly.

The House also sent up for revision &c. "An act for the relief of David L. Fowls," which was read—whereupon, on motion of Mr. Dana of O. *Resolved* to non concur in passing this bill—Yeas 8, Nays 3. Those who voted in the affirmative are Messrs. Berry, Butler, Chittenden, Dana of O. Dana of C. Judd, Pratt & Wetmore. Those who voted in the negative are Messrs. Phelps, Proctor & Stanley. Mr. Berry was appointed to report the reasons of Council, for transmission to the House.

The House also sent up for revision &c. "An act altering the name of Lyman Wellington to that of Lyman Huntley," which was read, & ordered to lie on the table. Also, "An act in addition to an act constituting Probate Courts and defining their powers and regulating the settlement of testate & intestate estates, and the guardianship of minors and insane persons," which was read, and ordered to lie on the table. Also, "An act extending to the town of Brookline in the County of Windham the right of representation in the General Assembly," which was read, and ordered to lie on the table.

Adjourned to 9 o'clock to-morrow morning.

SATURDAY Oct. 26, 1822. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment.

Mr. Pratt asked for and obtained leave of absence for the remainder of the session.

The House sent up the following resolution for concurrence, to wit: "IN GEN^L ASSEMBLY Oct. 24, 1822. *Resolved*, that the Judiciary committee be instructed to enquire into the expediency of providing by law for the removal of guardians appointed by virtue of the 14 Sec. of an act entitled 'an act defining what shall be deemed a legal settlement' &c. passed 3 March 1797; and of providing for the manner in which such guardians shall render their accounts," which was read—whereupon, *Resolved* to concur in passing this resolution.

The House sent up the following resolution for concurrence, to wit: "IN GEN^L ASSEMBLY Oct. 25, 1822. *Resolved*, the Gov. & Council concurring herein, that the Judiciary committee be instructed to inquire into the expediency of so altering the laws relating to idle, disorderly and poor persons, as to make the Counties into districts, and compel said districts to build work houses for the maintenance of those that will not maintain themselves; and report by bill or otherwise"—which was read. Whereupon, *Resolved* to concur in passing this resolution.

Received from the House the resolution of the 21 inst. on the subject of taxing public lands, and the report of the Judiciary committee there-

on, with an order of the House that the same be recommitted to the Judiciary committee. Whereupon, *Resolved* to concur in said order of recommitment.

Received a Remonstrance from sundry inhabitants of Cambridge, with an order of the House thereon that the same be referred to the committee on the petition from Belvidere & Cambridge. Whereupon, *Resolved* to concur in said order of reference.

The House sent up for revision & concurrence &c. an engrossed bill entitled "An act establishing a corporation by the name of the Winhall Turnpike company," which was read, & ordered to lie on the table. Also, "An act for the relief of John Atwood," which was read, and Mr. Wetmore proposed an amendment to said bill, which was adopted. Whereupon, *Resolved* to concur in passing said bill with the proposed amendment, and Mr. Wetmore was appointed to prepare & report reasons to be transmitted to the House—who reported the following, to wit: "The Council are of opinion that policy does not, at this time, require the legislature to discharge John Atwood from the payment of said two notes"—which was read & adopted as the reasons of Council. *Ordered*, that the Sec'y return said bill & amendment with the reasons therefor, to the House, & request their concurrence.

The Council resumed the consideration of the bill entitled "An act extending to the town of Brookline in the County of Windham the right of representation in the General Assembly," which was again read—whereupon, on motion of Mr. Butler, *Resolved*, to non concur in passing this bill—Yeas 6, Nays 5. Those who voted in the affirmative are Messrs. Butler, Chittenden, Dana of O. Dana of C. Stanley & Wetmore. Those who voted in the negative are Messrs. Berry, Hatch, Judd, Phelps & Proctor. Mr. Wetmore was appointed to prepare & report reasons for said non concurrence, to be transmitted to the House.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M. —The Gov. & Council met &c.

Mr. Pratt was discharged from the committee to whom was referred the bill entitled "an act in addition to & alteration of an act appointing a committee to lay out and survey a road from Chelsea" &c. and Mr. Judd was appointed in his stead.

The House sent up for revision and concurrence &c. an engrossed bill entitled "An act laying a tax of four cents per acre on the township of Mansfield," which was read—whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Sec'y notify the House accordingly.

Mr. Berry reported the following reasons for non concurring in passing the bill entitled "An act for the relief of David L. Fowles," to wit: "The bill is particular in its operation without a particular necessity for its enactment; inasmuch as every case of the kind in the State might, with equal propriety, require the benefit of an act of the legislature. The effect of such a precedent would not be of salutary influence on society. The act would be partial in its operation. The felon, guilty of a larceny under seven dollars, is fined not exceeding that sum, & the legal disability complained of by the present applicant attaches. The felon guilty of a larceny but one shilling over seven dollars, is sent to the State's prison not exceeding three years, may be fined & stand committed until the fine & cost of prosecution are paid. The disparity of the legal operation in the two cases precludes the propriety of a frequent legislative interference in the former class of cases. The Council are advised that the moral character of the felon is not good. The felony in the present case was committed in New York. The constitutionality, as well as the propriety of the measure, is doubted—and also, whether

the stain upon a felon from a neighbouring State can be eradicated by an act of this legislature, so as to give the applicant a currency & standing with the freemen of Vermont." The foregoing reasons were read & adopted. *Ordered*, that the same, together with said bill, be transmitted by the Secretary to the House.

Mr. Berry, from the Committee on that subject, made a report, dividing the Militia into Divisions and Brigades—which was read & ordered to lie on the table.

Adjourned to Monday morning next.

MONDAY Oct. 28, 1822. 9 o'clock A. M.

The Gov. & Council met agreeably to adjournment.

Mr. Wetmore, from the committee to whom was referred the Resolution from the House of the 22^d inst. instructing the committee for making up the Grand list &c. Reported that the same ought to pass—and said Resolution was again read. Whereupon, *Resolved* to concur in passing said resolution.

Mr. Pratt was discharged from the committee to whom was referred the petition of Jonathan Fassett, and Mr. Dana of O. was appointed in his stead.

The Petition of Mason Easterbrooks, for pardon, was presented, read, & ordered to lie on the table.

Mr. Pratt was discharged from the committee to whom was referred the petition of John Reed; and Mr. Dana of Cal. was appointed in his stead. Mr. Pratt was discharged from the committee to whom was referred the petitions of Jonathan Huntley, and Lyman Wellington; and Mr. Stanley was appointed in his stead. The Lt. Gov. was discharged from the committee to whom was referred the petition of Samuel Arnold; and Mr. Hatch was appointed in his stead.

Received from the House a bill entitled "an act authorizing the Supreme Court to grant Polly Black a bill of divorce"—also, "an act in addition to an act entitled an act to empower the Judges of the Supreme Court to grant bills of divorce" &c.—also, "an act repealing an act therein mentioned" (taxing pedlars)—also, "an act in addition to an act entitled an act constituting the Supreme Court" &c. with an order of the House on each that the same be referred to the Judiciary Committee. Whereupon, *Resolved* to concur in said orders of reference.

Received from the House the petition of Amasa Josselyn & others—also, a bill entitled "an act laying a tax of two cents per acre on the town of Victory," with an order of the House thereon that the same be referred to the land tax committee. Whereupon, *Resolved* to concur in said orders of reference.

Received from the House a bill entitled "an act authorizing the Quarter Master Genl. to loan arms to Capt. Partridge," with an order of the House thereon that the same be referred to the committee on the resolution relative to loaning arms & ordnance to Capt. Partridge. Whereupon, *Resolved* to concur in said order of reference.

Received from the House a bill entitled "an act for the relief of Mason Easterbrooks"—also, "an act directing the Treasurer of this State to credit the first constable of Lyndon the sum therein mentioned," with an order of the House on each that the same be referred to the Com^o of Ways & Means. Whereupon, *Resolved* to concur in said orders of reference.

The Report of the committee made yesterday, dividing the Militia into Divisions & Brigades, was taken up and read, as follows, to wit: "The

Committee to whom was referred the communication of the Adj^t & Inspector Gen^l of the Vermont Militia, beg leave to report the following report and resolution. By the present arrangement of the Militia the first division includes the County of Windham except the towns of Windham & Londonderry, and also the towns of Springfield, Chester, Weathersfield, Cavendish & Ludlow in Windsor County, and Readsboro in Bennington County, and is divided into two Brigades. The second Division includes the remainder of the County of Bennington, the towns of Windham & Londonderry in the County of Windham, the towns of Andover & Weston in Windsor County, and the whole County of Rutland except the town of Pittsfield; and is divided into two Brigades. The third Division includes the County of Addison, the towns of Waitsfield, Moretown, Middlesex, Worcester, Stowe, Waterbury, Duxbury & Faystown in the County of Washington, and the Counties of Chittenden, Franklin & Grand Isle; and is divided into three Brigades. The fourth Division includes the County of Windsor not heretofore mentioned as being included in the first division, the Counties of Orange, Caledonia, Essex & Orleans, & the town of Pittsfield in Rutland County, the towns of Roxbury, Northfield, Berlin, Montpelier, Calais, Elmore, Mansfield [Marshfield,] Plainfield & Barre in Washington County; and is divided into three Brigades. The first Brigade in the first Division is separated from the second Brigade in said Division by the south & west lines of Putney, west line of Westminster & south line of Grafton. The first Brigade in the second Division is separated from the second Brigade in said Division by the north line of Rupert, Dorset, Peru, Landgrove, and the west & north line of Weston. The first Brigade in the third division is separated from the second Brigade in said Division by the north line of the County of Addison. The second Brigade is separated from the third Brigade in said Division by the north & west lines of the towns of Mansfield, the northerly line of Jerico, Essex & Colchester, and includes also the County of Grand Isle. The first Brigade in the fourth Division is separated from the second Brigade in said Division by the north line of the County of Windsor—the second Brigade from the third Brigade by the north line of Newbury, Topsham, Orange, & the east line of Plainfield & the east & north line of Marshfield & the south line of Calais.

The first Division contains, rank and file,	2955
The second Division contains	3992
The third Division contains (nearly)	4633
The fourth Division contains	8758

“By annexing that part of the fourth Division which is included within the first Brigade in said Division, to the first Division, said first Division would then contain, rank & file, 5695 and the said fourth Division would contain 6018.

“Your committee further report, that they can find no record evidence of the Division or Brigade lines, heretofore mentioned. Therefore, *Resolved*, that his Excellency the Governor be advised to arrange the whole of the Militia of the State of Vermont into Divisions & Brigades; and that the following be the lines by which the same shall hereafter be known & designated, viz. The lines hereinbefore mentioned as designating the first Division, excepting the northerly lines thereof, together with the lines designating the first Brigade in the fourth division, except the southerly lines thereof, shall hereafter be the lines of the first Division. The lines herein before mentioned as designating the first & second Brigades in said first division, shall hereafter be the lines of the said first & second Brigades & first Division. The lines herein before mentioned as designating the first Brigade in the fourth Division shall

hereafter be the lines of the third Brigade in the first Division. The lines herein before mentioned as designating the fourth division, except such part of said fourth division as is herein before arranged to & included in the first division, together with the northerly lines of the third Brigade in the fourth division, shall hereafter be the lines of the fourth division. The lines herein before mentioned as designating the second Brigade in the fourth division shall hereafter be the lines in the first Brigade in the fourth division. The lines herein before mentioned as designating the third Brigade in the fourth division shall hereafter be the lines of the second Brigade & fourth division. The lines herein before mentioned as designating the second Division shall hereafter be the lines of the second Division. The lines herein before mentioned as designating the first & second Brigades in the said second Division shall hereafter be the lines of the first & second Brigades in said second Division. The lines herein before mentioned as designating the third Division shall hereafter be the lines of the third Division. The lines herein before mentioned as designating the first, second & third Brigades in the said third Division shall hereafter be the lines of the first, second & third Brigades in said third Division." Which report was accepted & said Resolution adopted.

The House sent up for revision & concurrence &c. an engrossed bill entitled "An act establishing a Rifle company in the 3^d Reg^t in the 1st Brig. & 4th Div. of Vermont Militia," which was read and committed to Mr. Berry to consider and report thereon. Also, "An act authorizing the Quarter Master General to purchase a piece of ordnance"—which was read, and ordered to lie on the table. Also, "An act laying a tax of two cents per acre on the town of Kellyvale" [Lowell,] which was read and ordered to lie on the table. Also, "An act authorizing the Treasurer of this State to pay David Hopkinson jr. the sum therein mentioned," which was read, and ordered to lie on the table. Also, "An act laying a tax of three cents p^r acre on the town of Burke," which was read—whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Sec'y notify the House accordingly.

Received from the House a bill entitled "an act incorporating the persons therein named by the name of the Winooskie Cotton & Woolen Manufacturing Company," with an order of the House thereon that the same be referred to the Committee of Manufactures. Whereupon, *Resolved* to concur in said order of reference.

The House sent up for revision and concurrence &c. an engrossed bill entitled "An act directing the State's Attorney of the County of Bennington to stay proceedings against Roswell Ford"—which was read—Mr. Dana of O. proposed an amendment to said bill, which was adopted. Whereupon, *Resolved* to concur in passing said bill with the proposed amendment—*Ordered*, that the Sec'y notify the House accordingly, and request their concurrence to the proposed amendment.

On motion of Mr. Phelps the Council resumed consideration of the bill entitled "An act altering the name of Lyman Wellington to that of Lyman Huntley"—which was again read. Mr. Phelps proposed an amendment to said bill, which was adopted—whereupon, *Resolved* to concur in passing said bill with the proposed amendment. Mr. Phelps was appointed to prepare and report reasons, who forthwith reported the following, to wit: "That it is doubtful whether, without some instrument in writing made by the said Jonathan Huntley, the said act would divest him of those rights which, at his decease, would probably be claimed by other heirs—and in such case the said Lyman Wellington might be injured through the delusive promises of the act"—which was read and adopted, and *Ordered*, that the Sec'y return said bill with the

proposed amendments & reasons afores^d to the House, and request their concurrence.

M^r. Berry, to whom was referred the bill entitled "An act establishing a Rifle Company in the 3 Reg^t in the 1 Brig. & 4 Div. of Vermont Militia," reported the same with amendments, which were read & adopted. Whereupon, *Resolved* to concur in passing said bill with the proposed amendments, and M^r. Berry was appointed to prepare & report reasons—who reported the following, to wit: "By a resolution of the Council, his Excellency the Gov. has been advised to so arrange the 1 Brig. as that the same may hereafter be known as the 3 Brig. in the 1 Div. and that in pursuance of said resolution the Gov. has so arranged said Brigade." Which was read and adopted. Whereupon, *Ordered*, that the Sec'y return said bill, with the proposed amendments & reasons afores^d, to the House, and request their concurrence.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Gov. & Council met &c.

The Gov. laid before the Council a communication from the Speaker of the House, informing that the House have concurred in the amendments proposed by the Gov. & Council to the bill entitled "An act relating to pardons."

The petition of William Annis, for pardon, was taken up and read—whereupon, on motion of M^r. Wetmore, *Resolved* that the said William Annis be discharged from prison agreeably to the provisions of the bill passed the present session—Yeas 11, Nays 0. Those who voted in the affirmative are Messrs. Berry, Butler, Chittenden, Dana of O. Dana of C. Hatch, Judd, Phelps, Proctor, Stanley & Wetmore.

The petition of Samuel Elder, for pardon, was taken up and read—whereupon, on motion of M^r. Wetmore, *Ordered*, that said petition be dismissed. The petition of David O. Gould, for pardon, was taken up and read—whereupon, on motion of M^r. Dana of O. *Ordered*, that said petition be dismissed.

On motion of M^r. Wetmore, *Resolved* that the several votes granting pardons to Lewis Cambridge, John Cully, Asa Chamberlain, Thomas Davis, John Evans, Hiram Kezar, Timothy Morgan, Stephen Prentiss, J. B. Putvah, Joshua N. Rollins, John Rice, Ruluf Spaulding, Sampson Thurston, John Wilson, & Thomas Waters, be reconsidered—whereupon, *Resolved* that the said Lewis Cambridge, Hiram Kezar, Timothy Morgan, Stephen Prentiss, Joshua N. Rollins, John Rice, Sampson Thurston & Thomas Waters be discharged from the State prison—and that the said John Cully, Asa Chamberlain, Thomas Davis, John Evans, J. B. Putvah, Ruluf Spaulding and John Wilson, be discharged from said prison, upon condition that each of them, respectively, do leave this State within twenty days, and do not return to this State within twenty years.

M^r. Wetmore reported the following reasons for non concurring the bill entitled "An act extending to the town of Brookline in the County of Windham the right of representation in the General Assembly," to wit: "The legislature in the year 1794 passed an act entitled 'an act forming a new town out of the towns of Putney & Athens in the County of Windham by the name of Brookline,' in which it is enacted 'that the south parish in Athens, and all that part of Putney west of [certain lines therein described] be and the same is hereby incorporated into a town by the name of Brookline, and the inhabitants residing therein shall have all the privileges and immunities which the inhabitants of other towns in this State have & enjoy, excepting electing and sending a Representative to the Gen^l Assembly & Convention.' By the 7 Sec. of the

Constitution, 'each inhabited town may hold elections & choose one representative.' It appears from the aforesaid act of incorporation & from the Constitution, the town of Brookline is entitled to hold elections & choose one representative, the same as other towns in this State, unless the exception contained in said act deprives the town of the privilege. The Council are of opinion that the incongruity between the constitution & exception renders the rejection of the exception indispensable in order to give the constitution effect. Further, the act entitled 'An act directing the mode of electing the Gov. Lt. Gov. Treasurer of the State, Councillors & Representatives,' being passed subsequent to the act incorporating the town of Brookline, confers a further benefit and privilege on said town, by giving them the right of representation. Therefore, as the town of Brookline is, by the Constitution & laws, entitled to hold elections, & choose one representative to the General Assembly, the Council are of opinion that it is inexpedient to pass a law, confirming privileges to which the town is now entitled. In the opinion of the Council it is inexpedient to increase the number of representatives, by organizing new towns, or otherwise. The population of this State has already progressed so far, that by the provision of the Constitution, more than two hundred towns are entitled to be represented in the General Assembly. The expence and inconvenience attending the transaction of business in an assembly consisting of more representatives than is already provided by the laws & constitution, must be evident. The public interest of this State cannot be promoted by increasing the representatives beyond the present number." Which were read & adopted, and *Ordered*, that the Sec'y return said bill, with the reasons afores^d, to the House of Representatives.

The Memorial of Jonathan Ware was presented, and on motion of Mr. Wetmore, *Ordered* to lie on the table.

Mr. Phelps introduced the following resolution, to wit: "IN COUNCIL Oct. 28, 1822.

Resolved, the Gen^l Assembly concurring herein, that the Gov. & Council will meet the Gen^l Assembly in the representatives' room, in joint committee, on the 29th day of October inst. at two o'clock in the afternoon, for the purpose of electing a Brig. Gen^l in the 1 Brig. & 4 Div. of militia, to supply the vacancy occasioned by the promotion of Gen^l Joseph Edson—and also for the purpose of appointing some person to preach the next election sermon"—which was read & adopted, and *Ordered*, that the Sec'y carry the same to the House and request their concurrence.¹

Adjourned to 9 o'clock to-morrow morning.

TUESDAY Oct. 29, 1822. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment.

Received from the House a bill entitled "an act directing the Treasurer of the County of Windsor to credit Rhodolphus Brown, first constable of Sharon, the sum therein mentioned," with an order of the House thereon that the same be referred to the Judiciary Committee. Whereupon, *Resolved* to concur in said order of reference. Also, "an act establishing the law of the road," with an order of the House thereon that the same be referred to the Turnpike Committee. Whereupon, *Resolved*

¹ Ezekiel P. Walton was elected Brigadier General; Rev. Joseph W. Sawyer preacher of the next election sermon, and Rev. Leland Howard substitute.

to concur in said order of reference. Also, "an act directing the Treasurer to pay Joshua Y. Vail the sum therein mentioned," with an order of the House thereon that the same be referred to the Committee of Claims—whereupon, *Resolved* to concur in said order of reference. Also, "an act annexing the town of Morristown in Orleans County to Washington County," with an order of the House thereon that the same, & the report thereon, be recommitted to the Committee to whom the bill was originally referred. Whereupon, *Resolved* to concur in said order of reference.

The House sent up for revision & concurrence &c. an engrossed bill entitled "An act directing the Treasurer to pay Israel P. Richardson the sum therein mentioned," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "An act granting a Ferry to Nathan Cook," which was read—whereupon, *Resolved* to concur in passing this bill. Also, "An act laying a tax of two cents per acre on the town of Craftsbury," which was read. Whereupon, *Resolved* to concur in passing this bill. The Council resumed the consideration of the bill entitled "An act in addition to an act constituting Probate Courts & defining their powers, & regulating the settlement of testate & intestate estates and the guardianship of minors & insane persons," which was again read. Whereupon, *Resolved* to concur in passing this bill. Also resumed &c. "An act authorizing the Treasurer of this State to pay David Hopkinson jr. the sum therein mentioned"—which was again read. Whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Sec'y notify the House of the passage of the 5 last mentioned bills.

The House sent up for revision & concurrence &c. an engrossed bill entitled "An act altering the name of Rhoana Needham Cutter to that of Rhoana Cutler Needham," which was read. Mr. Butler moved an amendment, which was adopted. Whereupon, *Resolved* to concur in passing said bill with the proposed amendment. *Ordered*, that the same reasons be assigned to the House as in the bill to alter the name of Lyman Wellington, and that the Sec'y return said bill, with the proposed amendment, to the House, and request their concurrence.

The House also sent up for revision &c. "An act restoring Benjamin Pratt to his legal privileges," which was read, and referred to Mr. Phelps to consider & report thereon—who forthwith reported said bill with amendments, which were adopted. Whereupon, *Resolved* to concur in passing said bill with the proposed amendments. Mr. Phelps was appointed to prepare & report reasons &c. who forthwith reported the following, to wit: "That the objects of the bill will be attained, and the useless verbiage expunged"—which were read and adopted—and *Ordered*, that the Sec'y return said bill, with the proposed amendments & reasons to the House, & request their concurrence.

The Council resumed the consideration of the bill entitled "An act establishing a corporation by the name of the Winhall Turnpike Company," which was read, and committed to Messrs. Phelps, Butler & Judd, to consider & report thereon.

The Council took up the memorial of Jonathan Ware, which was read, & committed to Mr. Stanley, to join such committee as may be appointed by the House, to consider & report thereon.

Adjourned to 2 o'clock P. M.

2 o'clock P. M.—The Gov. & Council met &c.

Received a communication from the Speaker of the House, informing that the House have concurred in the amendments proposed to the bill entitled "An act for the relief of John Atwood"—also, in the Resolution appointing the 29th Oct. inst. to meet in joint com^{ee} for the purpose

of electing a Brig. Genl in the 1 Brig. & 4 Div.—and appointing some person to preach the next election sermon.

The Gov. & Council attended in the House for the purpose of making appointments, after which they returned to the Council Chamber.

Adjourned to 9 o'clock to-morrow morning.

WEDNESDAY Oct. 30, 1822. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment.

Received from the House a bill entitled "An act in addition to an act constituting the Supreme Court" &c. with an order of the House thereon that the same be referred to the Judiciary committee. Whereupon, *Resolved* to concur in said order of reference. Also, the petition [of] Alexander Sheldon & John L. Vorus, with an order of the House thereon that the same be recommitted to the Comm^{ee} of New Trials, with directions to make a detailed report &c. whereupon, *Resolved* to concur in said order of recommitment.

The House sent up the following resolution for concurrence, to wit: "IN GEN^L ASSEMBLY Oct. 26, 1822. Whereas, it is declared by the constitution of this State, that the person of a debtor, where there is not a strong presumption of fraud, shall not be continued in prison, after delivering up & assigning over, *bona fide*, all his estate, real & personal, in possession, remainder or reversion, for the use of his creditors, in such manner as shall be hereafter regulated by law—therefore, *Resolved*, that a committee of four be appointed, to join a committee from the Council, to report a bill providing for carrying into effect the said provision of the constitution"—which was read—whereupon, *Resolved* to concur, and Mr. Butler was appointed from Council. Received from the House a bill entitled "an act in addition to an act relating to jails & jailers and for the relief of persons therein imprisoned," with an order of the House thereon that the same be referred to the last mentioned committee. Whereupon, *Resolved* to concur in said order. The House sent up the following resolution for concurrence, to wit: "IN GEN^L ASSEMBLY Oct. 29, 1822. *Resolved*, the Gov. & Council concurring herein, that the comm^{ee} appointed in pursuance of the resolution introduced by Mr. Olin on the 26. inst. be directed to enquire into the expediency of providing by law for the abolishing imprisonment for debt, on all contracts made after the first of Jan^y 1823, and rendering property liable to attachment on meane & final process"—which was read. Whereupon, *Resolved* to concur in passing this resolution.

Received from the House a bill entitled "an act authorizing the town of Londonderry to erect a toll gate on the road therein mentioned," with an order of the House thereon that the same be referred to the Turnpike Committee. Whereupon, *Resolved* to concur in said order. Also, "an act for the relief of Mira Billings," with an order of the House thereon that the same be recommitted to the Comm^{ee} of Ways & Means. Whereupon, *Resolved* to concur in said order.

The House sent up the following resolution for concurrence, to wit: "IN GEN^L ASSEMBLY Oct. 29, 1822. *Resolved*, the Gov. & Council concurring herein, that his Excellency the Gov. be requested to cause one of [Ebenezer] Hutchinson's edition of [James] Whitelaw's map of Vermont, to be deposited with Messrs. Barr & Welch of Baltimore in the State of Maryland, subject to the order of the Gov. of Ohio, in exchange for a map of Ohio deposited at the same place, to the order of the executive of this State; and that his Ex^y the Gov. draw on the Treasurer of this State for a sum not exceeding twenty dollars to carry this resolution

into effect"—which was read—whereupon, *Resolved* to concur in passing this resolution.

The House sent up the following resolution for concurrence, to wit: "IN GEN^L ASSEMBLY Oct. 29, 1822. *Resolved*, the Gov. & Council concurring herein, that the Judiciary Comm^{ee} be directed to inquire into the expediency of passing an act directing sheriffs & constables in their duty in levying executions issued ag^t poor debtors who are, in the opinion of the officer, unable to be committed by reason of sickness, or other disability, & allowing such officer a reasonable sum as fees on such execution for trouble and expenses necessary in providing medical advice relative to such debtor's disability, to be recovered by the creditor in case such debtor shall be actually unable to be committed, without imminent danger to his or her life or health; and in case such officer shall be unable to find sufficient property of such debtor to satisfy him for his fees, as aforesaid; and report by bill or otherwise,"—which was read. Whereupon, *resolved* to concur.

The House sent up the following resolution for concurrence, to wit: "IN GEN^L ASSEMBLY Oct. 29, 1822. *Resolved*, that the Judiciary Committee be instructed to inquire into the propriety of providing by law, that interest shall be collected on executions that run 120 days; & report by bill or otherwise"—which was read. Whereupon, *Resolved* to concur.

The House sent up for revision & concurrence &c. an engrossed bill entitled "an act in addition and explanation of an act entitled an act constituting probate courts & defining their powers, & regulating the settlement of testate & intestate estates, & the guardianship of minors & insane persons"—which was read—whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Sec'y notify the House of the passage of this bill.

The House also sent up for revision &c. "An act directing the Treasurer to pay Job Lyman the sum therein mentioned"—which was read. Mr. Butler & Mr. Wetmore successively proposed amendments, which were adopted. Whereupon, *Resolved* to concur in passing this bill with the proposed amendments. *Ordered*, that said bill, with the proposed amendments, be returned to the House by Mr. Butler, who is appointed to assign reasons for the amendments.

The House also sent up for revision &c. "An act to incorporate certain persons by the name of the 2^d Bellows Falls Aqueduct Company," which was read. Mr. Dana of C. proposed an amendment to said bill, which was adopted. Whereupon, *Resolved* to concur in passing said bill with the proposed amendment—and Mr. Wetmore was appointed to prepare & report reasons.

Received from the House a bill entitled "an act establishing a County Grammar School in the town of Londonderry in the County of Windham," with an order of the House thereon that the same be referred to the members of Windham County to join from Council. Whereupon, *Resolved* to concur in said order of reference—and Mr. Phelps was appointed from Council. Also, "an act to preserve the fish in the several waters of the County of Caledonia," with an order of the House thereon that the same be referred to the committee on the petition of John Reed. Whereupon, *Resolved* to concur in said order.

Adjourned, to 2 o'clock P. M.

2 O'CLOCK P. M.—The Gov. & Council met &c.

The petition of Mason Easterbrooks, for pardon, was taken up & read—whereupon, on motion of Mr. Dana of O. *Ordered*, that said petition be dismissed.

The House sent up for revision & concurrence &c. an engrossed bill entitled "An act in addition to an act establishing permanent fees & salaries," which was read and committed to Messrs. Butler, Hatch & Dana, to consider & report thereon.

Mr. Phelps, from the Comm^{ee} to whom was referred the bill entitled "an act establishing a corporation by the name of the Winhall Turnpike Company," reported the same with amendments, which were read & adopted. Whereupon, *Resolved* to concur in passing said bill, with the proposed amendments. Mr. Phelps was appointed to draw up reasons for said amendments, who forthwith reported the following, to wit: "Because the act will be useless if accompanied with provisions less beneficial than those of the Peru Turnpike Company, it being believed the road will not be made if not taken up by the Peru Turnpike Company"—which were read & adopted. *Ordered*, that the Sec'y return said bill, with the proposed amendments & reasons, to the House, & request their concurrence.

Mr. Berry, from the committee to whom was referred the petition of the officers & soldiers of the 9th Co. 3. Reg. 3, Brig. & 4. Div. to be transferred to the 5. Reg. 2. Brig. of said Div. made report that the subject matter is not properly cognizable by the Gov. & Council, and recommend that no further proceedings be had thereon—which was read & accepted, and leave granted to the petitioners to withdraw their petition. Mr. Berry, from the same committee above mentioned, to whom was referred the pet. of sundry officers in Roxbury, Warren, Waitsfield, Fayston & Moretown, made the same report as last above mentioned—which was accepted; and leave granted the petitioners to withdraw their petition.

Adjourned to 9 o'clock to-morrow morning.

THURSDAY Oct. 31, 1822. 9 o'clock A. M.

The Gov. & Council met agreeably to adjournment.

A message was received from the House by Mr. Haight, one of its members, who returned the bill entitled "An act directing the Treasurer to pay Job Lyman the sum therein mentioned," and informed that the House have non concurred in the amendments proposed to said bill by the Gov. & Council—and Mr. Haight having assigned the reasons of the House, & requested the Gov. & Council to concur in the passage of the bill, withdrew.

Received from the House a bill entitled "an act relating to attachments on real estate"—also, "an act for the relief of Jailers"—with an order of the House on each that the same be referred to the Judiciary Committee. Whereupon, *Resolved* to concur in said orders of reference.

The House sent up for revision & concurrence &c. an engrossed bill entitled "An act granting a toll bridge to Samuel Parsons," which was read, and ordered to lie on the table.

The House again sent up the bill entitled "An act extending to the town of Brookline in the County of Windham the right of representation in the General Assembly," the House having again passed the same. Mr. Wetmore moved to suspend the passing this bill until the next session of the legislature. The Gov. decided this motion not in order, from which decision Mr. Wetmore appealed to the Council, and on the question, "Is the decision of the Gov. correct?" it passed in the affirmative. The bill was ordered to lie on the table.

The Gov. laid before the Council a communication from the Speaker of the House, informing that the House have concurred in the amend-

ments proposed by the Gov. & Council to the bills with the following titles, to wit: "An act altering the name of Lyman Wellington to that of Lyman Huntley," "An act directing the State's Attorney for the County of Bennington to stay proceedings against Roswell Ford," "An act restoring Benjamin Pratt to his privileges," "An act establishing a rifle company in the third Reg. in the first Brig. and fourth Div. of Vermont Militia." The House have also concurred in referring the memorial of Jonathan Ware, & have appointed a committee on the part of the House.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Gov. & Council met &c.

Received from the House of Representatives the petition of Silas Hathaway for a new trial, with an order of the House thereon that the same be recommitted to the Committee of New Trials. Whereupon, *Resolved* to concur in said order of reference.

The House sent up the following resolution for concurrence, to wit: "IN GEN^L ASSEMBLY Oct. 31, 1822. *Resolved*, the Gov. & Council concurring herein, that both houses meet in joint committee in the Representatives' room, at three o'clock this afternoon, for the purpose of electing a Judge of the Supreme Court, to fill the vacancy occasioned by the nonacceptance of Samuel Prentiss"—which was read. Mr. Hatch moved an amendment to said resolution, so as to meet to-morrow afternoon; which was adopted. Whereupon, *Resolved* to concur in passing said resolution with the amendment.

The Gov. & Council attended in the House to make further appointment of County officers; after which they returned to the Council Chamber.

Received from the House a bill entitled "an act to incorporate the Philomathesian Society in Middlebury College," also, "an act to incorporate the beneficent Society in Middlebury College," with an order of the House on each that the same be referred to the Judiciary Committee. Whereupon, *Resolved* to concur in said orders.

The Council resumed the consideration of the bill entitled "An act extending to the town of Brookline in the County of Windham the right of representation in the General Assembly." Mr. Hatch moved an amendment declaring that said town has the right of representation by the constitution—which was rejected—Yeas 4, Nays 7. Those who voted in the affirmative are Messrs. Berry, Hatch, Phelps & Wetmore. Those who voted in the negative are Messrs. Butler, Chittenden, Dana of O. Dana of C. Judd, Proctor & Stanley. Mr. Dana of O. moved an amendment to said bill declaring that said town shall not have the right, unless the right now exists by the constitution—which was adopted—Yeas 6, Nays 5. Those who voted in the affirmative are Messrs. Butler, Chittenden, Dana of O. Proctor, Stanley & Wetmore. Those who voted in the negative are Messrs. Berry, Dana of C. Hatch, Judd & Phelps. Whereupon, *Resolved* to concur in passing this bill with the proposed amendment—Yeas 7, Nays 4. Those who voted in the affirmative are Messrs. Butler, Chittenden, Dana of O. Dana of C. Proctor, Stanley & Wetmore. Those who voted in the negative are Messrs. Berry, Judd, Phelps & Hatch. Mr. Butler was appointed to report reasons.

The Council resumed the consideration of the bill entitled "An act granting a toll bridge to Samuel Parsons," which was again read—whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Sec'y notify the House accordingly.

The Council took up the bill entitled "An act directing the Treasurer to pay Job Lyman the sum therein mentioned." Whereupon, on motion

of Mr. Butler, *Resolved* to suspend the passing of this bill until the next session of the legislature. *Ordered*, that the Sec'y notify the House accordingly.

Mr. Wetmore reported the following reasons for the amendments proposed to the bill entitled "An act to incorporate certain persons by the name of the second Bellows Falls Aqueduct Company," to wit: "Provisions, limiting the am^t of real & personal estate, necessary to carry into effect the object of [the] corporation, are usual in similar grants—and policy requires that the sum should be limited in all corporate acts"—which were adopted. *Ordered*, that the Sec'y return said bill, with the proposed amendments and reasons afores^d to the House, & request their concurrence.

Adjourned to 9 o'clock to morrow morning.

FRIDAY Nov. 1, 1822. 9 o'clock A. M.

The Gov. & Council met agreeably to adjournment.

A communication was received from the Speaker of the House, informing that the House have concurred in the amendment proposed to the resolution for electing a Judge of the Supreme Court.

Mr. Butler reported the following reasons for the proposed amendments to the bill entitled "An act extending to the town of Brookline in the County of Windham the right of representation in the Gen^l Assembly," to wit: "The Gov. & C. have, in their non concurrence of^d bill, expressed their entire disapprobation of the principle contained therein—but owing to the construction heretofore given to that part of the constitution of this State that relates to the passing laws, (however erroneous it may have been,) prevents the Gov. & Council [the Gov. & Council is prevented] from the exercise of that power given to them for the express purpose of preventing hasty determinations as much as possible. The amendment is proposed with a view to the exercise of this power, should the bill be again returned to them"—which was read & adopted—and *Ordered*, that the Sec'y return said bill, with the proposed amendment & reasons afores^d to the House, and request their concurrence.

Rec^d from the House a bill entitled "an act reviving an act laying a tax on Ryegate," with an order of the House thereon that the same be referred to the land tax committee—whereupon, *Resolved* to concur in said order. Also, received "An act relating to bastards & bastardy," with an order of the House thereon that the same be referred to the Judiciary Comm^{ee}. Whereupon, *Resolved* to concur in said order.

The House sent up for revision & concurrence &c. an engrossed bill entitled "An act declaring the Academy in Bradford to be a County Grammar School in the County of Orange," which was read—whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Sec'y notify the House accordingly. Also, "An act in addition to an act establishing Bradford Academy in the County of Orange a County Grammar School," which was read. Mr. Wetmore moved an amendment to said bill, which was adopted. Whereupon, *Resolved* to concur in passing this bill with the proposed amendment. Also, "An act in addition to an act entitled an act defining what shall be deemed a legal settlement, & for the support of the poor, & for designating the duties & powers of the overseers of the poor, & for the punishment of idle & disorderly persons," which was read. Mr. Wetmore proposed an amendment, which was adopted. Whereupon, *Resolved* to concur in passing said bill with the proposed amendment. *Ordered*, that the Sec'y return the two last mentioned bills to the House, & request their concurrence to the proposed amendments.

The House sent up the following resolution for concurrence, to wit: "IN GEN^L ASSEMBLY Nov. 1, 1822. *Resolved*, the Gov. & Council concurring herein, that both houses meet in the representatives' room, at 3 o'clock this afternoon, for the purpose of electing a Brig^r Gen^l to fill the vacancy occasioned by the resignation of Brig. Gen^l Samuel Cross"—which was read. Whereupon, *Resolved* to concur. *Ordered*, that the Sec'y notify the House accordingly.

The Council took up the bill entitled "An act laying a tax of two cents p^r acre on the town of Kellyvale" [Lowell,] which was read, & committed to Mr. Hatch to consider & report thereon.

The petition of Caroline Southard, who is now confined in Chittenden County Jail, for a remission of a fine, was taken up & read—whereupon, on motion of Mr. Judd, *Ordered* that said petition be dismissed.

Mr. Butler, from the committee to whom was referred the bill entitled "An act in addition to an act establishing permanent fees & salaries," reported the same with several amendments, which were read and adopted. Whereupon, *Resolved* to concur in passing said bill with the proposed amendments. *Ordered*, that said bill be returned to the House by Mr. Butler, who is appointed to assign the reasons of Council, & request the concurrence of the House.

Adjourned to 2 o'clock P. M.

Nov. 1, 2 O'CLOCK P. M.—Mr. Hatch reported the bill entitled "An act laying a tax of two cents per acre on the town of Kellyvale" [Lowell,] with an amendment—which was read & adopted. Whereupon, *Resolved* to concur in passing said bill with the proposed amendment. Mr. Hatch was appointed to report reasons, who forthwith reported the following, to wit: "That part of the bill, which it is proposed to erase, is extraneous & unnecessary, if not improper to be incorporated in the bill"—which was read & adopted—and *Ordered*, that the Sec'y return said bill, with the proposed amendment & reasons, to the House, and request their concurrence.

The Gov. & Council attended in the Representatives' room for the purpose of electing a Judge of the Supreme Court, & a Brig. Gen^l—after which they returned to the Council Chamber.¹

The Council took up the bill entitled "An act authorizing the Quarter Master General to purchase a piece of ordnance," which was again read. Whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Sec'y notify the House accordingly. Adjourned.

SATURDAY Nov. 2, 1822. 9 o'clock A. M.

The Gov. & Council met agreeably to adjournment.

The House sent up the following resolution for concurrence, to wit: "IN GEN^L ASSEMBLY Nov. 1, 1822. *Resolved*, the Gov. & Council concurring herein, that the Comm^o of Ways & Means be instructed to inquire into the expediency of providing by law for the purchase of a copy of Hutchinson's edition of Whitelaw's map of this State, for each town in this State, to be deposited in the office of each town clerk; and report by bill or otherwise"—which was read—whereupon, *Resolved* to concur.

Received from the House the letter communicated by the Gov. to the House on the 1. Inst. containing the refusal of James Elliot Esq. to ac-

¹ Charles K. Williams was elected Judge, and Elisha Hopkins Brig. General.

cept the office of States Att^y for the County of Windham, with an order of the House thereon that the same be referred to the members from Windham County, to join from Council, whereupon, *Resolved* to concur in said order, and M^r. Phelps was appointed from Council.

Rec^d. from the House a bill entitled "an act directing the Treasurer to pay Calvin Winslow the sum therein mentioned," with an order of the House thereon that the same be ref^d. to the Com^{ms} of Claims. Whereupon, *Resolved* to concur in said order. Also, "an act establishing a County Grammar School in the town of Londonderry in the County of Windham," and the report of the comm^{ms} thereon, with an order of the House that the same be recommended to a committee of 4 to join from Council. Whereupon, *Resolved* to concur in said order—and M^r. Judd was appointed from Council.

The House sent up for revision & concurrence &c. an engrossed bill entitled "An act dividing the State into districts for electing representatives to the Congress of the United States & directing the mode of their election"—which was read & ordered to lie on the table. Also, "an act incorporating the persons therein named by the name of the Winooskie Cotton & Woolen Manufacturing Company"—which was read. M^r. Phelps moved to amend the bill by striking out the 4. sec. which was adopted. Whereupon *Resolved* to concur in passing said bill with the proposed amendment. M^r. Phelps was appointed to report reasons; who reported the following, to wit: "Because the act entitled 'an act for the regulation of manufacturing and turnpike corporations' renders the section, proposed to be stricken out, superfluous"—which was read & adopted—and *Ordered*, that the Sec'y return said bill, with the proposed amendment & reasons, to the House, & request their concurrence.

Adjourned to 2 o'clock P. M.

2 o'clock P. M.—The Council took up the bill entitled "An act dividing the State into districts for electing Representatives to the Congress of the United States, and directing the mode of their election" and committed the same to Messrs. Butler, Berry & Judd, to consider and report thereon.

Adjourned to 9 o'clock on Monday morn. next.

MONDAY Nov. 4, 1822. 9 o'clock A. M.

The Gov. & Council met agreeably to adjournment.

On motion of M^r. Hatch, the vote dismissing the petition of Thomas Williams, for pardon, was reconsidered. The petition was again read & considered. Whereupon, on motion of M^r. Butler, *Ordered*, that said petition be dismissed—Yeas 8, Nays 2. Those who voted in the affirmative are Messrs. Butler, Chittenden, Dana of O. Dana of C. Hatch, Judd, Phelps & Wetmore. Nays, Messrs. Proctor & Stanley.

The House sent up the following resolution for concurrence, to wit: "IN GEN^L ASSEMBLY Nov. 2, 1822. *Resolved*, the Gov. & Council concurring herein, that the Comm^{ms} of Ways & Means be instructed to enquire into the expediency of passing or so amending the law 'ascertaining the principles on which the list of this State shall be made, & directing the listers in their office & duty, & the several acts in addition,' as to tax all monies loaned or on interest within this State, where the person or persons so loaning or taking securities on interest, shall live without the State"—which was read—whereupon, *Resolved* to concur.

The House sent up the following resolution for concurrence, to wit: "IN GEN^L ASSEMBLY Nov. 2, 1822. *Resolved*, the Gov. & Council concurring herein, that the Comm^{ms} of Ways & Means be instructed to in-

quire into the expediency of passing a law taxing bank stock & deposits the same as money on hand and debts due, to report by bill or otherwise"—which was read—whereupon, *Resolved* to concur.

Received from the House a bill entitled "an act explanatory of an act therein mentioned," with an order of the House that the same be referred to the Judiciary Committee. Whereupon, *Resolved* to concur in said order.

The House sent up for revision & concurrence &c. an engrossed bill entitled "An act directing the Treasurer to pay David Hubbard the sum therein mentioned," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "An act for the relief of Samuel Taylor," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "An act annexing Parker's Gore to the town of Sherburne in the County of Rutland," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "An act for the relief of John Heath," which was read—whereupon, *Resolved* to concur in passing this bill. Also, "An act assessing a tax on the County of Orange," which was read, whereupon, *Resolved* to concur in passing this bill. Also, "An act relating to proprietors' records," which was read—whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Sec'y notify the House of the passage of the 6 bills last mentioned.

The House also sent up for revision &c. "An act to repeal a certain act therein mentioned"—which was read. Mr. Wetmore proposed an amendment to the title of said bill—which was adopted. Whereupon, *Resolved* to concur in passing said bill with the proposed amendment. The following reasons for said amendment were adopted, viz. "The Council consider, that the title of every bill should give a concise indication of its subject matter; otherwise it will be impossible to trace its progress upon the journal of either house. Moreover it will be found by a recurrence to the statute-book that the absurd practice has prevailed of giving the same title to several laws, providing for separate and distinct subjects." *Ordered*, that the Sec'y return said bill, with the proposed amendment & reasons afores^d to the House, & request their concurrence.

The House also sent up for revision &c. "An act altering the name of the corporation of Castleton Medical Academy to the corporation of the Vermont Academy of Medicine," which was read, and ordered to lie on the table. Also, "An act altering the name of Pliny Doubleday," which was read, and ordered to lie on the table. Also, "An act authorizing the guardian of Joseph Nightingale (a non compos) to sell certain lands situate within this State," which was read, and ordered to lie on the table. Also, "An act in addition to an act entitled an act constituting the Supreme Court" &c. which was read, & ordered to lie on the table.

A message was received from the House, by Mr. Haight, one of its members, who returned the bill entitled "An act in addition to an act establishing permanent salaries and fees," and informed that the House have concurred in the 1st, 2^d & 4th amendments proposed by the Gov. & Council to said bill, and have non concurred in the 3^d, 5th & 6th—and Mr. Haight having assigned the reasons of the House, withdrew. Whereupon, on motion of Mr. Butler, *Resolved*, that the Council do rescind the said 3^d, 5th & 6th proposed amendments, and *Ordered*, that said bill be recommitted to Messrs. Butler, Hatch & Wetmore, to consider & report thereon.

Adjourned to 2 o'clock P. M.

2 o'CLOCK P. M.—The Gov. & Council met &c.

Mr. Wetmore introduced the following resolution, to wit: "IN COUNCIL Nov. 4, 1822. *Resolved*, the Hon. House of Reps^r concurring herein, that the Judiciary Comm^{ee} be instructed to inquire into the expediency of authorizing the Supreme Court to empower guardians of minors, idiots & distracted persons, residing without this State, to sell & convey the real estate of their wards &c. lying and being in this State: also, for admⁿ to sell the real estate of any intestate estate, whenever the sale thereof shall be conducive to the interest of the minor heirs of said estate; & to report by bill or otherwise"—which was read & adopted.

Received from the House a bill entitled "an act incorporating & establishing a County Grammar School in Chelsea in the County of Orange, by the name of the Chelsea Academy," with an order of the House that the same be referred to the members from Orange County, to join from Council. Whereupon, *Resolved* to concur in said order—and Mr. Dana of O. was appointed from Council.

The Governor informed the Council that he approves of the division of the Militia into Divisions & Brigades, as advised by the Council—and that he has directed the Adjutant & Inspector Gen^l to issue an order accordingly.

Mr. Wetmore introduced a bill entitled "an act for the prevention of frauds & perjuries"—which was read & committed to the Judiciary Committee, to consider and report thereon.

The Council resumed the consideration of the bill entitled "An act in addition to an act entitled an act constituting the Supreme Court of Judicature & County Courts, defining their powers & regulating judicial proceedings," which was again read. Whereupon, on motion of Mr. Butler, *Resolved* to nonconcur in passing this bill, and The Council assign, as a reason for their non concurrence, that the *first* section of the bill is the same in substance as the one proposed to be repealed by the *second* section. *Ordered*, that the Sec'y return said bill and reasons to the House.

Adjourned to 9 o'clock to-morrow morning.

TUESDAY Nov. 5, 1822. 9 o'clock A. M.

The Gov. & Council met agreeably to adjournment.

A communication was received from the Speaker of the House informing that the House have concurred in the amendments proposed to bills with the following titles, to wit: "An act laying a tax of two cents p^r acre on the town of Kellyvale" [Lowell]—"An act in addition to an act establishing Bradford Academy in the County of Orange a County Grammar School"—"An act establishing a corporation by the name of the Winhall Turnpike Company"—"An act altering the name of Rohana Needham Cutter to that of Rohana Cutter Needham"—"An act in addition to an act entitled an act defining what shall be deemed a legal settlement, & for the support of the poor, for designating the duties and powers of overseers of the poor, and for the punishment of idle and disorderly persons."

The House sent up the following resolution for concurrence, to wit: "IN GEN^l ASSEMBLY Nov. 4, 1822. *Resolved*, the Gov. & Council concurring herein, that the Judiciary Committee be directed to inquire what alterations, if any, ought to be made relative to taking & subscribing the oath administered to Justices of the peace; Also, the expe-

diency of providing a penalty for officiating as such, unless previously qualified according to law; Also, the expediency of providing that Justices of the peace, after being duly sworn, shall deposit a certificate thereof in the County Clerk's office in the County in which said Justices reside, and report by bill or otherwise"—which was read—whereupon, *Resolved* to concur.

Received from the House the petition of Jonathan Fassett, & report of the committee thereon, with an order of the House that the same be recommitted to the same committee. Whereupon, *Resolved* to concur in said order. Also, received a bill entitled "an act in addition to an act constituting a Court of Chancery"—also "an act in addition to an act entitled an act constituting the Supreme Court" &c. with an order on each that the same be committed to the Judiciary Committee. Whereupon, *Resolved* to concur in said orders. Also, received a bill entitled "an act laying a tax of four cents per acre on the town of Brookline," with an order of the House thereon that the same be referred to the land tax committee. Whereupon, *Resolved* to concur in said order.

The House sent up the following resolution for concurrence, to wit: "*Resolved*, the Gov. & Council concurring herein, that both houses meet in the representatives' room, on Wednesday next at seven o'clock in the forenoon, for the purpose of adjourning both houses without day"—which was read & ordered to lie on the table.

The House sent up for revision & concurrence &c. an engrossed bill entitled "An act laying a tax of one and a half cents per acre on the town of Navy" [Charleston,] which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "An act authorizing the selectmen of St. Albans to alter part of a road therein mentioned"—which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "An act laying a tax of two cents per acre on the town of Newark"—which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "An act in addition to an act regulating marriage & divorce, passed Feb. 28, 1797"—which [was] read & ordered to lie on the table. Also, "An act laying a tax of three cents per acre on the township of Worcester in the County of Washington," which was read & ordered to lie on the table. Also, "An act repealing an act therein mentioned," (taxing pedlars,) which was read & ordered to lie on the table. Also, "An act to enable Benjamin Hall of Montreal in the province of lower Canada to hold lands within this State," which was read & committed to Mr. Wetmore to consider & report thereon.

Mr. Butler, from the committee to whom was referred the bill entitled "An act dividing the State into districts for electing representatives to the Congress of the U. States, & directing the mode of their election," reported the same with proposed amendments, which were read & adopted. Several other amendments were proposed and adopted—and said bill was again committed to Messrs. Hatch & Butler for further amendment.

The Council resumed the consideration of the bill entitled "An act in addition to an act regulating marriage & divorce," which was again read—whereupon, *Resolved* to concur in passing this bill. Also, "An act authorizing the guardian of Joseph Nightingale (a non compos) to sell certain lands situate within this State," which was again read. Whereupon, *Resolved* to concur in passing this bill. Also, "An act altering the name of the corporation of Castleton Medical Academy to the corporation of Vermont Academy of Medicine"—which was again read—whereupon, on motion of Mr. Berry, *Resolved* to non concur in passing this bill. Mr. Berry was appointed to report reasons. Also, "An act repealing an act therein mentioned," which was again read. Whereupon,

on motion of Mr. Judd, *Resolved* to non concur in passing this bill. Mr. Butler was appointed to report reasons.

Mr. Butler, from the committee to whom was referred the bill entitled "An act in addition to an act establishing permanent salaries & fees," reported the same with further amendments, which were read & adopted. Whereupon, *Resolved* to concur in passing said bill with the proposed additional amendments. *Ordered*, that this bill with the proposed amendments be returned to the House by Mr. Wetmore, who is appointed to assign the reasons of Council, & request the concurrence of the House. *Ordered*, that the Sec'y return to the House the five bills concurred in this day, & notify the House accordingly.

Adjourned to 9 o'clock to-morrow morning.

WEDNESDAY Nov. 6, 1822. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment.

The House sent up the following resolution for concurrence, to wit: "IN GEN^L ASSEMBLY Nov. 5, 1822. *Resolved*, the Gov. & Council concurring herein, that a committee consisting of the Members of Windsor County, to join from Council, be instructed to inquire into the expediency of altering the times of holding the County Court in the County of Windsor, and to report by bill or otherwise," which was read—whereupon, *Resolved* to concur, and Messrs. Hatch & Proctor were appointed from Council.

The House sent up the following resolution for concurrence, to wit: "IN GEN^L ASSEMBLY Nov. 5, 1822. *Resolved*, the Gov. & Council concurring herein, that a committee consisting of the Members from the County of Orleans, to join from Council, be instructed to inquire into the expediency of altering the time of holding the County Court in said County; and report by bill or otherwise"—which was read—whereupon, *Resolved* to concur—and Mr. Stanley was appointed from Council.

The House sent up for revision & concurrence &c. an engrossed bill entitled "An act directing the Treasurer of this State to pay Horace Evans the sum therein mentioned"—which was read. Whereupon, *Resolved* to concur in passing this bill. *Ordered* that the Sec'y notify the House accordingly. Also, an act laying a tax of two cents per acre on the town of Hyde park"—which was read. Mr. Stanley proposed an amendment, which was adopted—whereupon, *Resolved* to concur in passing this bill with the proposed amendment. *Ordered*, that the Sec'y notify the House accordingly & request their concurrence in the proposed amendment.

Mr. Butler reported the following as reasons for nonconcurring in passing the bill entitled "An act to repeal an act therein mentioned"—to wit: "The law proposed to be repealed has scarcely gone into operation; and its good or evil tendency has not been tested by experience—consequently no reason can be urged for its repeal but what might have been advanced last year against its enactment. The Council are moreover of opinion, that the tax imposed on pedlars by the act in question, will produce salutary effects—and they protest against that course of legislation which induces the enactment of laws at one session, and their repeal at the next, without any apparent reason"—which was read & adopted—and *Ordered*, that said bill, with the reasons aforesaid, be returned by the Sec'y to the House.

The Council proceeded to the election of a Surveyor of Public Buildings—and the ballots having been taken, sorted & counted, it appeared that Joshua Y. Vail Esq. was duly elected.

Mr. Chittenden introduced the following resolution, to wit: "In COUNCIL Nov. 6, 1822. *Resolved*, that his Excellency be requested to appoint the 2^d Wednesday of April next, to be set apart as a day of fasting & prayer; & that he issue his proclamation accordingly"—which was read and adopted.

Mr. Wetmore, from the Judiciary Committee, to whom was referred the bill entitled "An act for the prevention of frauds and perjuries," reported the same without amendment—and the same was again read and passed. *Ordered*, that the Sec'y carry said bill to the House, & request their concurrence.

The Council took up the communication from the Gov. of Canada, which was laid before the Council on the 19. Oct.—whereupon, *Resolved* that his Excellency the Gov. be advised to communicate the subject & the evidence to the Government of the U. States, and to inform the Gov. of Canada of the proceedings, together with the evidence furnished on the part of the persons accused. Mr. Phelps withdrew the resolution introduced by him on this subject on the 19. ultimo.

Mr. Hatch, from the Committee to whom was committed the bill entitled "An act dividing the State into districts for electing representatives to the Congress of the United States, and directing the mode of their election," reported the same with further amendments, which were read. Mr. Hatch moved to reconsider the vote annexing Chelsea &c. to the 3^d district. Mr. Wetmore moved to include also a reconsideration of the vote annexing Pawlet &c. to the 2^d district. Mr. Wetmore's amendment was adopted and the question to reconsider being put, was carried in the affirmative. Whereupon, *Resolved* to concur in passing said bill as amended. *Ordered* that said bill & amendments be carried to the House by Mr. Berry, who is appointed to assign the reasons of Council & request the concurrence of the House. On passing said bill as amended, there were Yeas 8, Nays 3. Those who voted in the affirmative are Messrs. Chittenden, Dana of C. Hatch, Judd, Phelps, Proctor, Stanley & Wetmore. Those who voted in the negative are Messrs. Berry, Butler & Dana of O.

Mr. Stanley introduced a bill entitled "An act directing the Treasurer to pay the administrators of the late Clerk of the House the sum therein mentioned"—which was read & referred to the Committee of Claims.

Mr. Wetmore, to whom was committed the bill entitled "An act to enable Benjamin Hall, of Montreal in the province of lower Canada, to hold lands in this State," reported the same with amendments—which were read & adopted. Whereupon, *Resolved* to concur in passing said bill with the proposed amendments—and *Ordered*, that said bill and amendments be carried to the House by Mr. Wetmore, who is appointed to assign the reasons of Council, & request the concurrence of the House.

Adjourned until 9 o'clock to-morrow morning.

THURSDAY Nov. 7, 1822. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment.

Mr. Hatch asked for & obtained leave of absence during the remainder of the session.

Received from the House of representatives the petition of Silas Hathaway for a new trial, with an order of the House thereon that the same be recommitted to the Committee of New Trials. Whereupon, *Resolved* to concur in said order of recommitment. Also received the bill entitled "an act in addition to an act entitled an act reducing into

one the several acts for laying out, making, repairing and clearing highways," with an order of the House that the same be recommitted to the Judiciary Committee. Whereupon, *Resolved* to concur in said order.

The House sent up the following resolution for concurrence, to wit: "IN GEN^L ASSEMBLY Nov. 6, 1822. *Resolved*, the Gov. & Council concurring herein, that the Judiciary committee be instructed to inquire into the expediency of passing a law more effectually to prevent gambling throughout this State, and report by bill or otherwise"—which was read—whereupon, *Resolved* to concur.

Received from the House a bill entitled "an act altering the time of holding the September term of the County Court for the County of Washington," with an order of the House that the same be referred to the Members from Washington County, to join from Council. Whereupon, *Resolved* to concur in said order, and Mr. Butler was appointed from Council.

The Council took up the resolution, sent up by the House on the 5. inst. appointing a time for the adjournment of the legislature, and amended the same—whereupon, *Resolved* to concur, with the proposed amendment. *Ordered*, that the Sec'y notify the House and request their concurrence.

Mr. Wetmore moved to reconsider the vote non concurring in passing the bill entitled "An act altering the name of the corporation of Castleton Medical Academy to the corporation of Vermont Academy of Medicine"—which was determined in the affirmative, and the bill was again read—whereupon, *Resolved* to concur in passing this bill, *Ordered*, that the Sec'y notify the House accordingly.

A message was received from the House by Mr. Robinson of B. one of its members, who returned the bill entitled "An act in addition to an act entitled an act constituting the Supreme Court of Judicature & County Courts, defining their powers & regulating judicial proceedings," which was non concurred by the Gov. & Council on the 4. inst. and informed that the House have again passed said bill, in which they desire the concurrence of the House—and Mr. Robinson having assigned the reasons of the House, withdrew. The bill was again read—whereupon, *Resolved* to concur in passing said bill. *Ordered*, that the Sec'y notify the House accordingly.

The House sent up for revision & concurrence &c. an engrossed bill entitled "An act appointing a collector for the town of Peacham," which was read, whereupon, on motion of Mr. Butler, *Resolved* to non concur in passing this bill—and Mr. Butler was appointed to report reasons, who reported the following, to wit: "*First*—The 13. sec. of the act regulating the collection & payment of rates, passed the 17. Oct. 1797, is ample & sufficient to answer all the principal purposes intended by the present bill. *Second*—If it is thought the General laws on this subject are insufficient, they ought to be amended, rather than pass private acts to meet every case that may occur"—which was read & adopted, and *Ordered*, that the Sec'y carry said bill & reasons to the House of representatives.

A message was received from the House by Mr. Collamer, one of its members, who returned the bill entitled "An act in addition to an act establishing permanent salaries & fees," & informed that the House non concurred in the amendments last proposed by the Gov. & Council, & request their concurrence in passing the bill—and Mr. Collamer having assigned the reasons of the House, withdrew. The bill was recommitted to Messrs. Butler, Wetmore & Dana of O. to consider and report thereon.

A communication was received from the Speaker of the House, in-

forming that the House have concurred in the amendments proposed to the bills with the following titles, viz. "An act incorporating the persons therein named by the name of the Winooskie Cotton & Woolen Manufacturing Company," & "an act to repeal an act therein mentioned."

The Council resumed the consideration of the bill entitled "An act altering the name of Pliny Doubleday," which was again read—whereupon, *Resolved* to concur in passing this bill.

The House sent up for revision & concurrence &c. an engrossed bill entitled "An act in addition to an act entitled an act for the distribution of laws & journals & other public papers," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "An act annexing a part of the town of Waitsfield to the town of Northfield," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "An act to revive an act entitled an act laying a tax of three cents on each acre of land in the township of Ryegate, passed Nov. 7, 1820"—which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "An act laying a tax of four cents per acre on the town of Goshen"—which was read. Whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Sec'y notify the House of the passage of the 5 bills last mentioned.

Adjourned to 9 o'clock to-morrow morning.

FRIDAY Nov. 8, 1822. 9 o'clock A. M.

The Gov. & Council met agreeably to adjournment.

Mr. Wetmore, from the committee to whom was referred the bill entitled "An act in addition to an act establishing permanent salaries & fees," reported the same with further amendments. Mr. Wetmore moved that the Council do rescind the amendments last proposed by the Council, & which were disagreed to by the House—and the question being put on said motion, it was determined in the affirmative. The amendments reported by Mr. Wetmore were read and adopted. Whereupon, *Resolved* to concur in passing this bill as amended. *Ordered*, that the Sec'y carry said bill to the House & request their concurrence in the proposed amendments.

The House sent up for revision & concurrence &c. an engrossed bill entitled "An act to incorporate the Philomathesian Society in Middlebury College," which was read & committed to Mr. Judd to consider & report thereon. Also, "An act to incorporate the Beneficent Society in Middlebury College," which was read, & committed to Mr. Judd to consider & report thereon. Also, "An act authorizing the probate court for the district of Addison to license the administrators of the estate of Levi Walker late of Whiting, deceased, to sell lands," which was read—and the question was put, "Will the Council concur in passing this bill?" which was determined in the negative unanimously. Nays 10. Those who voted in the negative are, the Lt. Gov. Messrs. Butler, Chittenden, Dana of O. Dana of C. Judd, Phelps, Proctor, Stanley & Wetmore. So it was *Resolved* to non concur in passing this bill, and Mr. Wetmore was appointed to report the reasons of Council for their non-concurrence; who reported the following, to wit: "The Gov. & Council consider it inexpedient to pass said bill from a consideration that it will not conduce to the interest of the minor children, heirs to said estate. Also, doubts have arisen whether the lands named in the bill are not by law vested in the heirs of the intestate"—which was read & adopted, and *Ordered*, that the Sec'y carry said bill & reasons to the House.

The House sent up the following resolution for concurrence, to wit:

"IN GEN^L ASSEMBLY Oct. 29, 1822. *Resolved*, the Gov. & Council concurring herein, that his Excellency the Gov. be requested to exchange maps of this State with the Governors of the several States in the Union for the maps of said States, upon such terms as to him shall seem proper—and that a sum not exceeding two hundred dollars be subject to the order of the Gov. for that purpose out of any monies in the Treasury not otherwise appropriated," which was read—whereupon, *Resolved* to concur in passing this resolution.

A message was received from the House by Mr. Arnold, one of its members, who returned the bill entitled "An act extending to the town of Brookline, in the County of Windham, the right of representation in the General Assembly," and informed that the House have non concurred in the amendments proposed by the Gov. & Council, and request the Gov. & Council to concur in passing said bill—and Mr. Arnold having assigned the reasons of the House, withdrew. Mr. Butler moved that the Gov. & Council do suspend the passing of this bill until the next session of the legislature, and the question being put upon said motion, the Council were equally divided—whereupon, his Excellency the Gov. gave his casting vote in the affirmative—so it was *Resolved* to suspend the passing of this bill until the next session of the legislature. *Ordered*, that the Sec'y notify the House accordingly.

The House again sent up for concurrence &c. "An act repealing an act therein mentioned" (Pedlars,) which was non concurred by the Gov. & C. on the 5 inst.—whereupon, *Ordered*, that said bill be committed to Messrs. Phelps, Butler & Stanley, to consider & report thereon—who afterwards reported said bill with amendments, which were read and adopted. Whereupon, *Resolved* to concur in passing said bill with the amendments. Mr. Phelps was appointed to report reasons.

The Council took up the bill entitled "An act laying a tax of three cents per acre on the township of Worcester in the County of Washington," which was again read. Whereupon, *Resolved* to concur in passing this bill.

The House sent up for revision & concurrence &c. an engrossed bill entitled "An act in addition to an act entitled an act in addition to the several acts authorizing the Supreme Court to appoint Commissioners of Jail delivery, passed Nov. 16, 1821," which was read—whereupon, *Resolved* to concur in passing this bill. Also, "An act to preserve the fish of the several waters in the County of Rutland," which was read—whereupon, *Resolved* to concur in passing this bill. Also, "An act to preserve the fish in the several waters in the County of Caledonia," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "An act making the necessary appropriations for the support of Government," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "An act directing the Treasurer to pay Joshua Y. Vail the sum therein mentioned," which was read. Whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Sec'y notify the House of the passage of the 6 bills last mentioned.

The House also sent up for revision &c. "An act to incorporate the literary society of Hinesburgh"—which was read, and committed to Mr. Judd to consider & report thereon.

Mr. Judd reported the bill entitled "An act to incorporate the Philomathesian Society in Middlebury College," with amendments, which were read & adopted. Whereupon, *Resolved* to concur in passing said bill with the proposed amendments. Mr. Judd also reported the bill entitled "An act to incorporate the Beneficent Society in Middlebury College" with amendments, which were read & adopted. Whereupon, *Resolved* to concur in passing said bill with the proposed amendments.

Ordered; that the Sec'y carry the two last mentioned bills to the House, & request their concurrence in the amendments.

A communication was received from the Speaker of the House, informing that the House have concurred in the amendments proposed to the bills with the following titles, to wit: "An act laying a tax of two cents per acre on the town of Hydepark"—"An act in addition to an act entitled an act constituting the Supreme Court of Judicature & County Courts, defining their powers & regulating Judicial proceedings"—"An act to enable Benjamin Hall, of Montreal in the province of lower Canada, to hold lands within this State."

The House sent up the resolution appointing a time for the adjournment of the legislature, amended so as to adjourn on tuesday next—which was read and ordered to lie on the table.

Adjourned to 9 o'clock to-morrow morning.

SATURDAY Nov. 9, 1822. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment.

The House sent up for revision & concurrence &c. an engrossed bill entitled "An act establishing a County Grammar School in the town of Londonderry in the County of Windham," which was read & committed to Mr. Phelps to consider & report thereon. Also, "An act in addition to the act entitled an act constituting the Supreme Court of Judicature & County Courts, defining their powers, & regulating judicial proceedings," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "An act in addition to an act entitled an act to empower the Judges of the Supreme Court to grant bills of divorce, & to repeal an act therein mentioned," which was read & ordered to lie on the table—and was afterwards called up & read—whereupon, *Resolved* to concur in passing this bill. Also, "An act relating to bastards & bastardy," which was read. Whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Sec'y notify the House of the passage of the three last mentioned bills.

The House also sent up for revision &c. "An act allowing interest on Executions," which was read & committed to Mr. Dana of O. to consider & report thereon, who afterwards reported the same with amendments, which were read & adopted. Whereupon, *Resolved* to concur in passing said bill with the proposed amendments. The Council assigned the following reasons for said amendments, to wit: "They consider that it is unnecessary to alter the present forms prescribed for executions, and that requiring new matter to be inserted is calculated to lead those who issue them into mistakes. The Council have altered the phraseology of the other part of the bill to make it more explicit." *Ordered*, that the Sec'y carry said bill & amendments, with the reasons aforesaid to the House, & request their concurrence.

Mr. Phelps reported the following reasons for the amendments proposed to the bill entitled "An act repealing an act therein mentioned," (Pedlars,) to wit: "The act of Nov. 11, 1806, which the bill, without amendment, will revive, would, in its operation, be unequal. By that act there is no difference in the sums to be paid by those who take licence, whether footmen or others. But it is known that there are those who convey large quantities of goods from village to village throughout the State. Assortments are not unfrequently transported, which for richness & variety vie with the stock of the regular merchant. People of every description are called on to buy, the goods are said to be cheap, & extensive sales are made to the no small profit of the vendor.

The located merchant pays his shop rent, his clerk hire, & a train of various taxes, from the payment of which the traveling merchant is exempt. It is believed the payment of fifty dollars is in many instances an inconsiderable equivalent for the advantages received"—which were read & adopted, and *Ordered*, that the Sec'y carry said bill & amendments, with the reasons afores^d, to the House, & request their concurrence.

Received from the House a bill entitled "An act to prevent usury," with an order of the House that the same be recommitted to the Judiciary Committee. Whereupon, *Resolved* to concur in said order.

The Committee to whom was referred the petition of Jonathan Ware, made a report, concluding with the following resolution, to wit: "*Resolved*, that Jonathan Ware, for his peculiar method of instruction in the principles of grammar & language, merits the public patronage," which was read & adopted.

Mr. Judd, to whom was committed the bill entitled "An act to incorporate the literary Society of Hinesburgh," reported the same with amendments, which was read & adopted. Whereupon, *Resolved* to concur in passing said bill with the proposed amendments. *Ordered*, that the Sec'y notify the House accordingly, and request their concurrence in the proposed amendments.

The House sent up for revision & concurrence &c. a bill entitled "An act directing the Treasurer of this State to suspend the issuing of an extent against the town of Lyndon for the time therein mentioned," which was read—whereupon, *Resolved* to concur in passing this bill. Also, "An act laying a tax of four cents per acre on the town of Brookline," which was read—whereupon, *Resolved* to concur in passing this bill. Also, "An act directing the Treasurer to pay Calvin Winslow the sum therein mentioned," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "An act assessing a tax for the support of government," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "An act altering the times of holding the Supreme Court in the Counties therein mentioned," which was read. Whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Sec'y notify the House of the passage of the five last mentioned bills.

The House sent up for revision & concurrence &c. an engrossed bill entitled "An act to revive an act entitled an act granting a new trial in the cause of Heman Allen against Silas Hathaway & Uzal Pierson," which was read, and the question was put—"Will the Council concur in passing this bill?" which was determined in the negative—Yeas 5, Nays 6. Those who voted in the affirmative are Messrs. Butler, Dana of O. Dana of C. Proctor & Stanley. Those who voted in the negative are the Lt. Gov. Messrs. Berry, Chittenden, Judd, Phelps & Wetmore. So it was *Resolved* to non concur in passing this bill—and Mr. Wetmore was appointed to report the reasons for non concurrence.

Received from the House a bill entitled "An act granting to Jeremiah French & his associates the exclusive privilege of erecting & continuing a bridge over Onion river at Hubbell's falls," with an order of the House that the same be referred to the comm^{ee} on the petition of Jer. French. Whereupon, *Resolved* to concur in said order.

Mr. Phelps, with leave, introduced a bill entitled "An act altering the time of holding the County Courts in the County of Windham," which was twice read and passed, and *Ordered*, that the Sec'y carry said bill to the House, & request their concurrence.

Adjourned to 9 o'clock on Monday morning next.

MONDAY Nov. 11, 1822. 9 o'clock A. M.

The Governor & Council met agreeably to adjournment.

The House returned the bill entitled "An act for the prevention of frauds & perjuries" concurred with proposals of amendment, which were read & adopted—and *Ordered*, that the Sec'y notify the House accordingly.

Mr. Phelps, to whom was committed the bill entitled "An act establishing a County Grammar School in the town of Londonderry in the County of Windham," reported the same with amendments, which were read and adopted. Whereupon, *Resolved* to concur in passing said bill with the proposed amendments. Mr. Phelps reported the following reasons for said amendments, to wit: "*First*—The sense of the town should be taken on the question at what place the school should be located. *Second*—There are now several grants in the County of Windham for Grammar Schools; and this corporation should not, from the circumstance of name, by implication, take precedence of others. *Third*—The 6th sec. is added, that the funds, on failure of the corporation in opening and continuing a school, may not be diverted from their proper application for purposes of instruction"—which were read & adopted, and *Ordered*, that the Sec'y return said bill, with the amendments and reasons afores^d, to the House, & request their concurrence.

A message was received from the House, by Mr. Olin, one of its members, who returned the bill entitled "An act authorizing the Probate Court for the district of Addison to license the administrators of the estate of Levi Walker, late of Whiting, deceased, to sell lands," (which was non concurred by the Gov. & C. on the 8. inst.) and informed that the House have again passed said bill, & request the concurrence of the Gov. & Council. And Mr. Olin having assigned the reasons of the House, withdrew. Said bill was again read, and the vote of non concurrence reconsidered, whereupon *Resolved* to concur in passing this bill—Yeas 8, Nays, 2. Those who voted in the affirmative are the Lt. Gov. Messrs. Butler, Chittenden, Dana of O. Dana of C. Judd, Proctor & Stanley. Those who voted in the negative are Messrs. Phelps & Wetmore. *Ordered*, that the Sec'y notify the House of the passage of said bill.

The House sent up for revision & concurrence &c. an engrossed bill entitled "An act in addition to an act entitled an act constituting the Supreme Court of Judicature and County Courts, defining their powers, and regulating judicial proceedings"—which was read, & ordered to lie on the table. Said bill was afterward called up & again read. Whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Sec'y notify the House accordingly.

Mr. Wetmore reported the following reasons for non concurring in passing the bill entitled "An act to revive an act entitled an act granting a new trial in the cause of Heman Allen against Silas Hathaway & Uzal Pierson," to wit: "IN COUNCIL 11. Nov. 1822. The Council assign the following reasons for non concurring in passing the bill entitled 'An act to revive an act entitled an act granting a new trial in the cause of Heman Allen against Silas Hathaway & Uzal Piersons,' to wit: Under the act which it is intended to revive by this bill, it became the duty of Mr. Hathaway to use due diligence in procuring the bond required, agreeably to the rules & practice of the Court. By the rules & practice of the Court, it is understood, that a party should enter his action on the first day of the term, and that after that time it is in the discretion of the Court to permit him to enter it, on sufficient reasons shown. That the Court should be permitted to exercise this discretion is highly reasonable; because on the one hand to deprive a party of the benefit of his action when he has failed to enter it on the first day of the term, from

mere accident or mistake, and without any fault in him, would be unjust; and on the other to suffer him to enter it at any time during the term, without good reasons shewn, would be to allow him to avail himself of his own negligence to the injury of the other party, and the delay & embarrassment of the business of the Courts. To entitle Mr. Hathaway to a revival of the former act, it should appear that he had used proper diligence in complying with the requisitions of that act; & that he had acted in good faith. It appears that during the session of the Sup. Court at St. Albans, he was advised by the Judges, as well as his counsel, to attend immediately to the business of procuring the bond required by the act, & have it approved by the Judges. Notwithstanding this advice, he neglected to present a bond to the Judges until the 4th day of the Term of the Court in Chittenden County, when he presented one that was not only deficient in the description of the action, but was insufficient as to the responsibility of the signers. This bond being rejected by the Court, he waited until the 11th day of the Term, & until after the Jury was dismissed, when he presented another, which was rejected as coming too late. Hathaway might have procured & presented his bond to the Judges, during the session of the Court at St. Albans, at which time the adverse party was present, & the signers resided in that town & vicinity. It cannot be considered due diligence to wait until the 4th day of the term before the first bond was presented; and a still greater neglect to delay after the rejection of the first bond until the 11th day of the term, & until the Jury was dismissed, before the second bond was presented. The facts shew a degree of negligence not satisfactorily accounted for. It further appears that Hathaway knew that the first bond was insufficient, & had reason to believe it would be rejected. It also appears that he declared his intention to keep back the bond until after the Jury was dismissed, so that a trial should not be had at that Term of the Court. Having intentionally delayed presenting a sufficient bond until after the Jury was dismissed, for the purpose of causing a continuance of the action, & preventing a trial at that term; and from the whole proceedings clearly showing an unjustifiable abuse of the privileges granted by the act of last session, deprives him of any claim to a renewal of it. Having a new trial once granted him, he should have improved the privilege given him in good faith; and if he has not done it, it is in consequence of his own wrong. The Gov. & Council cannot therefore, consistently, grant the privilege, by reviving the act in question." The foregoing reasons were read and adopted—and *Ordered*, that the Sec'y return said bill & reasons to the House of Representatives.

A message was received from the House by Mr. Haight, one of its members, informing that the Hon. D. Azro A. Buck has resigned the office of Speaker of the House; and that the House have elected George E. Wales Esq. member from Hartford in his stead.

A communication was received from the Speaker of the House, informing that the House have concurred in the amendments proposed by the Gov. & C. to the bills with the following titles, to wit: "An act in addition to an act establishing permanent salaries, and for regulating certain fees & taxable costs"—"An act to incorporate the beneficent Society in Middlebury College"—"An act to incorporate the Philomathesian Society in Middlebury College"—"An act to incorporate the literary Society of Hinesburgh"—"An act allowing interest on Executions"—"An act dividing the State into districts for electing representatives to the Congress of the United States, and directing the mode of their election," and "An act repealing an act therein mentioned."

Adjourned to 9 o'clock to-morrow morning.

TUESDAY Nov. 12, 1822. 9 o'clock A. M.

The Gov. & Council met agreeably to adjournment.

The Sec'y of the Gov. & Council asked & obtained leave of absence during the remainder of the session. Samuel S. Conant was appointed, by the Governor, Secretary pro tem. and was duly sworn.

The House sent up the following resolution for concurrence, to wit: "IN GEN^L ASSEMBLY Nov. 11, 1822. *Resolved*, the Gov. & Council concurring herein, that the vote adopting the resolution for the two houses to meet for the purpose of adjourning the General Assembly without day, be rescinded"—which was read. Whereupon, *Resolved* to concur.

The House sent up for revision & concurrence &c. an engrossed bill entitled "An act altering the time of holding the September term of the County Court within and for the County of Washington"—which was read—whereupon, *Resolved* to concur in passing this bill. Also, "An act annexing certain lots in the town of Parkerstown to the fifth school district in Rutland," which was read—whereupon, *Resolved* to concur in passing this bill. Also, "An act directing the Treasurer to pay Jonathan Fassett the sum therein mentioned," which was read. Whereupon, *Resolved* to non concur in passing this bill. Also, "An act assessing a tax on the County of Essex," which was read. Whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Sec'y notify the House of the passage of the three last passed bills; & of the non concurrence of the other bill, with the reasons of Council in writing.

The House again sent up for revision & concurrence &c. the bill entitled "An act to revive an act entitled an act granting a new trial in the cause of Heman Allen against Silas Hathaway & Uzal Pierson," (the same having been non concurred by the Gov. & Council on the 9. inst. and again passed by the House,) and the question was again put, "Will the Council concur in passing this bill?" which was determined in the negative as follows—Those who voted in the affirmative are Messrs. Butler, Dana of O. Dana of C. Proctor & Stanley. Those who voted in the negative are the Lt. Gov. Messrs. Chittenden, Judd, Phelps & Wetmore. Yeas 5, Nays 5. The Council being equally divided, his Excellency the Governor gave his casting vote in the negative. So it was *Resolved* to non concur in passing the bill. *Ordered*, that said bill lie on the table.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Gov. & Council met &c.

The House sent up for revision & concurrence &c. an engrossed bill entitled "An act granting a new trial in the cause of Amos & John Beckwith against Jacob Webster," which was read. Whereupon, *Resolved* to non concur in passing this bill. *Ordered*, that the Sec'y notify the House accordingly.

A message was received from the House by Mr. Aiken, one of its members, who returned the bill entitled "An act directing the Treasurer to pay Jonathan Fassett the sum therein mentioned," and informed that the House had again passed said bill, & request the concurrence of the Gov. & Council. And Mr. Aiken having assigned the reasons of the House, withdrew. The Council took up said bill, and amended the same. Whereupon, *Resolved* to concur in passing said bill with the proposed amendments. *Ordered*, that said bill be returned to the House by Mr. Butler, who is appointed to assign the reasons of Council, & request the concurrence of the House.

The House sent up for revision & concurrence &c. an engrossed bill entitled "An act to prevent usury," which was read. Whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Sec'y notify the House accordingly.

Received from the House the bill entitled "an act directing the Treasurer to pay Robert Temple the sum therein mentioned," with an order of the House that the same be referred to a committee of 4 to join from Council. Whereupon, *Resolved* to concur in said order, and M^r. Dana of O. was appointed from Council.

The House sent up the report of the Committee on that part of the Governor's speech which relates to Banks, with the following resolution for concurrence, to wit: "IN GEN^L ASSEMBLY Nov. 1, 1822. *Resolved*, the Gov. & Council concurring herein, that it is inexpedient, at this session of the legislature, to grant any additional banks"—which was read. Whereupon, *Resolved* to concur.

The House sent up the resolution directing the Judiciary [Committee] to inquire into the expediency of passing a law more effectually to prevent gambling, and the report of the Committee thereon, with an order of the House that the same be recommitted, with instructions to report a bill—which was read. Whereupon, *Resolved* to non concur in said order—and the reasons of Council were sent down in writing.

The House sent up the following resolution for concurrence, to wit: "IN GEN^L ASSEMBLY Nov. 7, 1822. *Resolved*, the Gov. & Council concurring herein, that the Quarter Master General be authorized to negotiate with the officers of the U. States Ordnance department, for a gun carriage, caisson, & harness complete, for mounting a six pounder of the U. States modern pattern, if in his judgment it will be conducive to the public good; and that a sum not exceeding three hundred dollars be subject to the order of the Governor, for that purpose, out of any money in the Treasury not otherwise appropriated." Which was read. Whereupon, *Resolved* to concur in passing this resolution.

The House sent up for revision & concurrence &c. an engrossed bill entitled "An act in addition to an act passed Nov. 13, 1820, entitled an act appointing a committee to lay out & survey a public market road from the mouth of Wells river, so called, in the town of Newbury, in the County of Orange, to the north line of Berkshire in the County of Franklin," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "An act in addition to an act entitled an act reducing into one the several acts for laying out, making, repairing & clearing highways," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "An act directing the Treasurer to pay the administrators of the late Clerk of the House the sum therein mentioned,"—which was read. Whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Sec'y notify the House of the passage of the three last mentioned bills.

On motion of M^r. Dana of O. the Council resumed the consideration of the bill entitled "An act to revive an act entitled an act granting a new trial in the cause of Heman Allen against Silas Hathaway & Uzal Pierson." M^r. Dana moved to propose an amendment to said bill; which was read & adopted. Whereupon, *Resolved* to concur in passing said bill with the proposed amendment. *Ordered*, that the Sec'y return said bill to the House of Rep^s & request their concurrence in the proposed amendment.

The House sent up for revision & concurrence &c. an engrossed bill entitled "An act in addition to an act relating to Jails & Jailers, & for the relief of persons imprisoned therein"—which was read, and amended by the Council. Whereupon, *Resolved* to concur in passing said bill with the proposed amendments. *Ordered*, that said bill be returned to the House by M^r. Wetmore, who is appointed to assign the reasons of the Council & request the concurrence of the House. Also, "An act granting to Jeremiah French & his associates the exclusive privilege of

erecting & continuing a bridge over Onion river at Hubbell's falls," which was read. Whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Sec'y notify the House accordingly.

Adjourned to 7 o'clock to-morrow morning.

WEDNESDAY NOV. 13, 1822. 7 o'clock A. M.

The Gov. & Council met agreeably to adjournment.

A message was received from the House, by Mr. Haight, one of its members, who returned the bill entitled "An act in addition to an act relating to Jails & Jailers & for the relief of persons imprisoned therein," and informed that the House have concurred in the first proposed amendment & non concurred in the second, as sent down by the Gov. & Council, and request the concurrence of the Gov. & Council in passing said bill. And Mr. Haight having assigned the reasons of Council [of the House,] withdrew. Whereupon, on motion, *Resolved* to suspend the passing of this bill until the next session of the legislature. *Ordered*, that the Sec'y notify the House accordingly.

A message was received from the Speaker of the House of Reps^a informing the Gov. & Council that the House have concurred in the amendments proposed by the Gov. & C. to the bill entitled "an act to revive an act entitled an act granting a new trial in the cause of Heman Allen against Silas Hathaway & Uzal Pierson." Also "an act directing the Treasurer to pay Jonathan Fassett the sum therein mentioned." Also, "an act establishing a County Grammar School in the town of Londonderry in the County of Windham."

The House sent up for revision and concurrence &c. an engrossed bill entitled "An act making provisions for settling the concerns of the Vermont State Bank," which was read. Whereupon, *Resolved* to concur in passing this bill. Also, "An act in addition to an act entitled an act ascertaining the principles on which the list of this State shall be made, and directing listers in their duties & office," which was read. Whereupon, *Resolved* to concur in passing this bill. *Ordered*, that the Sec'y inform the House of the passage of the two last mentioned bills.

The House returned the bill entitled "An act altering the times of holding the County Courts in the County of Windham,"—in which the House have concurred, with proposals of amendment, in which they desire the concurrence of the Gov. & C., which bill & amendments were read. Whereupon, *Resolved* to concur in the amendments proposed by the House. *Ordered*, that the Sec'y notify the House accordingly.

The House sent up the following resolution for concurrence, to wit: "IN GEN^L ASSEMBLY Nov. 12, 1822. *Resolved*, the Gov. & Council concurring herein, that both houses meet in the Representatives' room on Wednesday next at seven o'clock in the forenoon, for the purpose of adjourning both houses of the legislature without day"—which was read. Whereupon, *Resolved* to concur. *Ordered*, that the Sec'y notify the House accordingly.

The House sent up the following resolution for concurrence, to wit: "In GEN^L ASSEMBLY Nov. 13, 1822. *Resolved*, the Gov. & Council concurring herein, that both houses meet in joint committee in the representatives' room, at 9 o'clock this forenoon, to elect three directors of the Vermont State bank," which was read. Whereupon, *Resolved* to concur. *Ordered*, that the Sec'y notify the House accordingly, and that after electing said directors, the Gov. & Council would be ready to adjourn without day.

A message was received from the House, by Mr. Collamer, one of its members, informing that the House have completed the business of the session, except the appointment of Directors of the Vermont State bank, and after having made those appointments, they would be ready to adjourn without day, agreeably to the joint resolution of both houses.

The Governor & Council attended in the House of Representatives, for the purpose of electing directors of the Vermont State bank¹—after which an address to the throne of Grace was made by the Chaplain, and the General Assembly was adjourned without day. The Governor & Council returned to the Council Chamber, and adjourned without day.

STATE OF VERMONT. The foregoing, from page 396 to page 549 inclusive, [of Vol. 9 of the manuscript Council Journal,] is a true Journal of the proceedings of the Gov. & Council at their annual session in the year 1822.

R. TEMPLE, Sec'y.

DEBENTURE OF COUNCIL 1822.

	No. Miles Travel.	Am't of Travel.	No. days Att'nce.	Am't. of Att'nce.	Debenture.
Mr. Olin	75	\$9.00	2	\$3.00	\$12.00
" Warner	80	9.60	2	3.00	12.60
Lt. Gov. Leland	80	9.60	35	140.00	149.60
Mr. Berry	75	9.00	35	52.50	61.50
" Butler	12	1.44	24	36.00	37.44
" Chittenden	32	3.84	35	52.50	56.34
" Dana of O.	22	2.64	35	52.50	55.14
" Dana of C.	30	3.60	35	52.50	56.10
" Hatch	70	8.40	29	43.50	51.90
" Judd	60	7.20	35	52.50	59.70
" Phelps	98	11.76	35	52.50	64.26
" Pratt	100	12.00	17	25.50	37.50
" Proctor	71	8.52	35	52.50	61.02
" Stanley	32	3.84	35	52.50	56.34
" Wetmore	61	7.32	35	52.50	59.82
R. Temple Sec'y	60	3.60			3.60
John Peck, Esq. Sheriff	12	1.44	35	52.50	53.94
Mr. Carter Shff's Dep'y	7	.84	35	52.50	53.34
				Dolls.	942.14

The above debenture was received of the Treasurer by the Sheriff, and by him paid out to the members &c.

R. TEMPLE, Sec'y.

¹ John Jackson, Benjamin Swan, and Job Lyman were elected.

FORTY-SEVENTH COUNCIL.

OCTOBER 1823 TO OCTOBER 1824.

CORNELIUS P. VAN NESS, Burlington, *Governor*.
AARON LELAND, Chester, *Lieutenant Governor*.

Councillors:

EZRA BUTLER, Waterbury,	JOSIAH DANA, Chelsea,
CHAUNCEY LANGDON, Castleton,	JOEL PRATT, Manchester,
TRUMAN CHITTENDEN, Williston,	ISRAEL P. DANA, Danville.
TIMOTHY STANLEY, Greensboro',	JABEZ PROCTOR, Cavendish,
SETH WETMORE, St. Albans,	SAMUEL H. HOLLEY, Middlebury.
JOSEPH BERRY, Guildhall,	JOHN ROBERTS, Whitingham.

ROBERT TEMPLE, Rutland, *Secretary* until Oct. 11.
DANIEL KELLOGG, Rockingham, *Secretary* from Oct. 10.
JOHN PECK, Waterbury, *Sheriff*.

BIOGRAPHICAL NOTICES.

CORNELIUS PETER VAN NESS was the youngest of three highly distinguished brothers, sons of Peter Van Ness of Columbia county, N. Y. Cornelius P. was born in Kinderhook, Jan. 26, 1782; was fitted for college at the age of fifteen, but declined a collegiate course, and at the age of eighteen entered the law office of his brother William P. Van Ness, where he was a fellow student with Martin Van Buren, who became President of the United States. Admitted to the bar of New York in 1804, Mr. Van Ness removed to St. Albans, Vt., in 1806, and from thence to Burlington in 1809. In 1810 he entered upon a long line of eminently successful official services, which covered a period of more than thirty years. He was United States attorney for the District of Vermont 1810 to 1813, and was then transferred to the collectorship, which office he held until the close of the war. He was next appointed United States commissioner, under the fifth article of the treaty of Ghent, to ascertain the boundary line between the United States and the British possessions, from the highlands north from the source of the

river St. Croix to the intersection of the forty-fifth degree of north latitude with the St. Lawrence river; a business in which he was unable to agree with the British commissioner. He represented Burlington in the General Assembly 1818 until 1822; was chief justice of the supreme court in 1821-'22, and elected governor for three successive terms, commencing in 1823, after which he declined further service in that office. In 1826 he was a candidate for the United States senatorship, and, in the most memorable contest for that office in Vermont, he was defeated by a small majority for the late Hon. Horatio Seymour of Middlebury. Stung by that defeat, which he attributed to the interference of confidential friends of the then President, John Quincy Adams, whose administration he had supported until that event, Mr. Van Ness issued a manifesto to the public, declaring hostility to Mr. Adams, and a preference for Gen. Jackson; which was the origin of the Jackson party in Vermont, that soon claimed to be, and ever since has styled itself, the democratic party. Shortly after the inauguration in March 1829, President Jackson appointed Mr. Van Ness Envoy Extraordinary and Minister Plenipotentiary to Spain, from which country he returned in 1840, to give his time and talents in desperate endeavors to secure the presidential vote of Vermont for the friend of his youth, Martin Van Buren. In 1841 Mr. Van Ness removed from Vermont to New York city, where he served as collector of the port, 1844-5, under President Tyler. Falling heir to a share of the large estate of his brother John P. Van Ness of Washington city, the governor was often called there, and on his last journey was stopped by disease at Philadelphia, where he died, Dec. 15 1852, in the seventy-first year of his age. His remains were deposited in the tomb of his brother in Washington city.—See memoir by the late Hon. B. B. Smalley in the *Vermont Historical Magazine*, Vol. I, pp. 608-614.

SAMUEL H. HOLLEY was probably a native of Bristol, from which town he removed to Shoreham in 1809 and commenced practice as an attorney. An early graduate of Westpoint Military Academy, he served as captain during part of the war of 1812-'15, but resigned and resumed practice for a few years at Shoreham. In 1820 he was returned to the editor of *Walton's Vermont Register* as an attorney at Bristol, and in 1821, and for some years subsequent, at Middlebury; where, it thus appears, he must have resided during his service in the Council—although Leonard Deming of Middlebury assigned Bristol as his residence. He served as Councillor five years, 1823 until 1828; and was Assistant Judge of Addison County Court nine years, 1833-1842.—Goodhue's *History of Shoreham*; Swift's *History of Addison County*; and *Walton's Vermont Register*.

JOHN ROBERTS represented Whitingham in the General Assembly seven years, 1819-1823, and 1833-'4. He was elected to both houses in

1823 but served in the Assembly. He served three years in the Council, 1824-5-6, and was Chief Judge of Windham County Court 1820 until 1833, thirteen years.—*Deming's Catalogue*; and *Walton's Vermont Register*.

DANIEL KELLOGG, LL.D., was born in Amherst, Mass., Feb. 13 1791, graduated at Williams College in 1810, and was admitted to the bar of Windham County in 1812. He commenced practice in Rockingham in 1813, whence he removed in 1855 to Brattleborough, where he died May 10, 1875. In 1819 and 1820 he was Judge of Probate for the northern district of Windham County; Secretary of the Governor and Council 1823 until 1828; State's Attorney for Windham County in 1827; member and Secretary of the Council of Censors in 1837; United States Attorney for the District of Vermont 1829 until 1841; delegate and President of the Constitutional Convention of 1843; Judge of the Supreme Court in 1843, and 1845 until 1851; and Presidential Elector in 1864.—*Deming's Catalogue*; and *Vermont Legislative Directory* for 1876-77.

RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION WITH THE GENERAL ASSEMBLY AT MONTPELIER, OCTOBER 1823.

STATE OF VERMONT ss.

A Journal of the proceedings of the Governor and Council of the state of Vermont, begun and held at Montpelier in said state, on the second Thursday of October in the year of our Lord one thousand eight hundred and Twenty-three, being the ninth day of the month, and in the Forty-eighth year of the Independence of the United States—Present, His Excellency Richard Skinner, Governor—His Honor Aaron Lealand, Lieut. Governor,—The Hon. Joseph Berry, Ezra Butler, Truman Chittenden, Josiah Dana, Eben^r. [Eben] W. Judd, Joel Pratt, Jabez Proctor, Timothy Stanley & Seth Wetmore, Councillors.

A message was received from the House of Representatives by Mr. Cushman, one of its members, informing the Governor and Council that the House had organized by electing George E. Wales Esq. Speaker Pro tem. and Timothy Merrill Esquire Clerk Pro tem. and are ready to receive any communication the Governor and Council may be pleased to make—and he withdrew.

On motion, Ordered that the Secretary inform the House of Representatives that His Excellency [the] Governor together with a quorum

of the Council have assembled in the Council Chamber and are ready to proceed to business.

The Governor and Council proceeded to appoint a Committee to receive, sort and count the votes for Governor, Lieut. Governor, Treasurer and Councillors. Members chosen, Messrs. Wetmore, Proctor and Berry, who were duly sworn.

A message was received from the House by Mr. Fitch, one of its members, informing that the House has, on its part, appointed a Committee to receive, sort and count the votes for Governor, Lieut. Governor, Treasurer and Councillors—and he withdrew.

Ordered, that the Sec'y inform the House that the Gov^r and Council have on their part appointed a Committee to receive, sort and count the votes for Governor, Lieut. Governor, Treasurer and Councillors, for the year ensuing.

Adjourned to 4 O'clock P. M.¹

4 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment.

A message was received from the House by Mr. Farnsworth, one of its members, informing that the House is ready to receive the Governor and Council in the Representatives' room, to hear the report of the Canvassing Committee. On motion, ordered that the Secretary inform the House that the Gov^r and Council will immediately attend in the Representatives' room, to receive the report of the Canvassing Committee.

The Governor and Council attended in the Representatives' room; when the Canvassing Committee made the following Report, to wit:

"To the Honorable General Assembly now in session: The Committee to receive, sort and count the votes for Gov^r. Lieut. Gov^r. Treasurer and Councillors for the year ensuing, having attended to the business of their appointment, do Report that The Hon. Cornelius P. Van Ness is elected Governor, The Hon. Aaron Leland Lieut. Governor, and Benjamin Swan Esq. Treasurer, and the Hon. Seth Wetmore, Joel Pratt, Joseph Berry, Israel P. Dana, Timothy Stanley, Ezra Butler, Josiah Dana, Jabez Proctor, Truman Chittenden, Samuel H. Holley, Chauncey Langdon and John Roberts, are elected Councillors for the year ensuing. Which is respectfully submitted.

Signed SETH WETMORE, *Chairman*
ROBERT B. BATES, *Clerk*."

Which report having been read, the Sheriff of Washington County made proclamation of said several elections, and the Governor and Council returned to their Chamber.

Adjourned to 9 O'clock to-morrow morning.²

FRIDAY October 10th. 1823. 9 O'clock A. M.

His Honor Aaron Leland Lieut. Governor elect, and the Hon. Joseph Berry, Ezra Butler, Truman Chittenden, Israel P. Dana, Joel Pratt, Jabez Proctor, Timothy Stanley, and Seth Wetmore, Councillors, appeared in the Council Chamber and immediately attended in the Representatives' hall and in presence of the House took and subscribed the oaths of office, when they returned to the Council Chamber.

¹ The election sermon was preached by Rev. Joseph W. Sawyer.

² The votes for Governor were for Cornelius P. Van Ness 11,479; for Dudley Chase 1088; and scattering 843.

A message was received from the House by Mr. Bates one of its members, informing that the House has organized by choosing George E. Wales Esquire Speaker, Timothy Merrill Clerk, and Norman Williams Sec'y of State.

Ordered, that the Secretary inform the House that the Gov^r and Council will attend in the Representatives' room at the opening of the House this afternoon, when his Excellency the Governor will take the oaths of office and make his communication to the Legislature.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. The Governor and Council attended in the House of Representatives, when His Excellency the Governor took and subscribed the oaths of office before the Hon. [Joseph] Howes, one of the Judges of Washington County Court, and delivered the following Speech.¹ [When the Governor and Council returned to their chamber.]

The House sent up the following resolution for concurrence, to wit:

IN GENERAL ASSEMBLY Oct. 10th 1823.

Resolved, the Governor and Council concurring herein, that both houses meet in the representatives' room at two O'clock this afternoon, for the purpose of electing a Chaplain of the General Assembly for the year ensuing—which was read and on motion of Mr. Pratt the same was amended by inserting at the end thereof the following words to wit: "And also an Auditor of accounts against the State." And the resolution was adopted and the Secretary ordered to notify the House accordingly.

A large number of petitions, for pardon, from convicts in the state prison, were presented and filed.

A message was rec^d from the House informing the Governor and Council that the House had concurred in the proposed amendment of the resolution, providing for the Choice of a Chaplain. Agreeably to the concurrent resolution of both houses, the Governor and Council met the General Assembly in the representatives' room, to elect, in Joint Committee, a Chaplain and Auditor of accounts against the State, and the Governor and Council returned to their Chamber.²

The petition of Jonathan Bidwell for pardon was taken up, read, and on m^o of Mr. Stanley, dismissed. The petition of Robert Blanchard was taken up, read and on m^o of Mr. Butler, dismissed. The petition of Daniel Butler was taken up, read and on m^o of Mr. Wetmore, dismissed. The petitions of Chauncy Beach, Samuel Cossetts, John Crawford and Samuel Dolloff, were severally taken up, read and ordered to be dismissed. The petitions of John Downey, David Fowler, Edward Francis, John Baptiste Tumas, William Graves, Thomas Gilbert, and Allen Howard, for pardon, were severally taken up, read, and ordered to be dismissed.

Adjourned to 9 O'clock to-morrow morning.

SATURDAY October 11th 1823. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment.

His Excellency the Governor was pleased to appoint Daniel Kellogg Esquire of Rockingham, Secretary of the Governor and Council, who was duly sworn.

¹ For the speech see *Appendix A*.

² Rev. Joseph W. Sawyer was elected chaplain, and David Pierce of Woodstock auditor.

Mr. Wetmore moved to reconsider the vote to dismiss the petition of Chauncey Beach, and the question was put and carried in the affirmative and the same was ordered to lie on the table.

The petitions of Joel Higgins, Joseph Higgins, John Hunt, John Hams & Selah Hickox, for pardon, were severally taken up, read and ordered to be dismissed. The petition of Thomas Handlin, for pardon, was taken up, read and ordered to lie on the table. The petitions of Alexander Haggerts, Amos Kimball, William Longley, Jeremy McGee, William H. Nichols, Silas Plumly and John R. Page were severally taken up, read, and on motion, ordered to be dismissed. The petition of Leonard Smith was taken up, read and, on motion, ordered to lie on the table. The petitions of Benjamin Silver, Lemuel Scott, John Utley, David Weatherbee, Sylvester Wheeler, Joseph Fayall, James Harvey, William Twambly and Leonard Corliss for pardon were severally taken up, read, and on motion ordered to be dismissed. Resumed the consideration of the petition of Chauncey Beach for pardon, and on motion the same was ordered to be dismissed. The petition of Anson Church, for pardon, was taken up, read and on motion, ordered to lie on the table and be made the order of the day for Monday next.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment.

The petition of Reuben T. Hathaway for pardon was taken up, read and on motion of the Lieut. Governor was ordered to be dismissed.

The House sent up the following resolution for concurrence, to wit: "Resolved, the Governor and Council concurring herein, that both houses meet in County Conventions on tuesday next at 4 O'clock P. M. for the purpose of making nominations for County officers, and that they meet in Joint Committee in the representatives' room, at the opening of the House on wednesday morning next, for the purpose of electing such officers," which was read and adopted and the Secretary was ordered to notify the house accordingly.

The House sent up the following resolution for concurrence, to wit: "Resolved, the Governor and Council concurring herein, that both houses meet in the representatives' room, at the opening of the House on Tuesday next, for the purpose of electing Judges of the Supreme Court," which was read and adopted and the Secretary ordered to inform the House accordingly.

A message was received from the House informing the Governor and Council that agreeably to the rules of the House they have appointed the following Standing Committees, in which they desire the Governor and Council to join, to wit, A committee of 4 denominated the Committee of ways & means—A committee of 4 denominated the Military Committee—A committee of 4 denominated the Judiciary Committee—A committee of 4 denominated the Committee of Claims—A committee of 4 denominated the Turnpike Committee—A committee of 4 denominated the Committee of Insolvency—A committee of 4 denominated the Committee of Manufactures—A committee of 4 denominated the Committee of agriculture—A committee of 4 denominated the Committee of New trials—A committee of 4 denominated the land tax Committee. Whereupon Resolved to join in the appointment of said Committees and Mr. Butler was appointed on the Committee of ways and means, Mr. Berry was appointed on the Military Committee, Mr. Wetmore was appointed on the Judiciary Committee, Mr. Stanley was appointed on the Committee of Claims, The Lieut. Governor was appointed on the Turnpike Committee, Mr. Dana of C. was appointed on the Committee of Insolvency,

Mr. Proctor was appointed on the Committee of Manufactures, Mr. Chittenden was appointed on the Committee of Agriculture, Mr. Pratt was appointed on the Committee of New trials, Mr. Holley was appointed on the Committee of Land Taxes.

Adjourned to Monday next at 9 O'clock A. M.

MONDAY October 13th. 1823. Nine O'clock A. M.

The Governor and Council met agreeably to adjournment.

Mr. Holley appeared in the Council, was duly sworn and took his seat.

The petition of Caleb B. Cady for pardon was taken up and read and the question was "Shall a pardon be granted to the said Caleb B. Cady," which was determined in the affirmative as follows: those who voted in the affirmative are Messrs. Leland, Berry, Chittenden, Dana of C. Holley, Pratt, Proctor, Stanley and Wetmore—9.

Received the petitions of the Selectmen of Franklin, of Sundry Inhabitants of Westfield, of Amasa Josselyn and others, of the Inhabitants of Jay, of Amos Partridge and others, of Daniel H. Rice and others, of the Selectmen of Burke, of the Inhabitants of Glover, of Joseph Kennedy and others, [of] John Whipple and others, of Thomas Fuller and others, of the Selectmen of Orange, of John Adams and others, of the Inhabitants of Sheldon, of Willard Lincoln and others, with an order of the House on each that the same be referred to the land tax Committee, whereupon Resolved to concur in said orders of reference.

Received a bill entitled "An act laying a tax of two cents per acre on the town of Victory," with an order of the House upon the same that it be referred to the land tax committee, whereupon Resolved to concur in said orders of reference.

The petition of Ebenezer Conant and others, of Sundry freeholders of eastern highway District in Waltham, of Mosely Hall and others, of Timothy Burton, of N. W. Broughton and others, with an order of the House on each that the same be referred to the Turnpike Committee—whereupon Resolved to concur in said orders of reference.

Received the petition of the Selectmen of Sommersett, of Samuel Parker and others, and of Abijah Wright, with an order of the House on each that the same be referred to the Committee of ways and means, whereupon Resolved to concur in said orders of Reference.

Received the petition of Benjamin Pratt, of Alexander Campbell, with an order of the House on each, that the same be referred to the Committee of New trials. Whereupon Resolved to concur in said orders of reference.

Received the account of George W. Drew, overseer of the poor of Danville, An act directing the Treasurer to pay Joseph Jennison and others, An act directing the Treasurer to pay Robert Temple the sum therein mentioned, with an order of the House on each that the same be referred to the Committee of Claims, whereupon Resolved to concur in said orders of reference.

Received the petition of J. Knowles, of John Beckwith, of Lucius Doolittle and Samuel Ripley, of Timothy P. Bartholomew, of Calvin Robinson, of William Trumbull, of Thomas Hooker, of Otis King, of the Selectmen of Brandon, of Cyrenius M. Fuller and Asa Briggs, of the Selectmen of New Haven, of Benjamin B. Sargent, with an order of the House on each that the same be referred to the Committee of Claims, whereupon Resolved to concur in said orders of reference.

Received a bill entitled "An act in addition to an act to authorize the Supreme Court to empower Guardians to sell the real estate of their

wards," The petition of the baptist Church in Brandon, with an order of the House on each that the same be referred to the Judiciary Committee, whereupon Resolved to concur in said orders of reference.

Received a resolution from the House, upon the subject of appointing a Reporter of the decisions of the Supreme Court, with an order of the House upon it, that it be referred to the Judiciary Committee, whereupon Resolved to concur in said order of reference.

Received the petition of the Selectmen of Hancock, with an order of the House upon it that the same be referred to the Judiciary Committee—whereupon Resolved to concur in said order of reference.

Received the petitions of Rufus Stearns, of Elijah Nason, of William E. Bradish, of Fanny Sweeny, of Charles Sweeny, and a bill entitled "An act for the relief of persons imprisoned for debt," with an order of the House on each that the same be referred to the Committee on Insolvency,—whereupon resolved to concur in said orders of reference.

Received the petitions of Orin Field and others, of Sundry inhabitants of Danby, of Silas N. Eastman and others, of William R. Sanford and others, of James Johnson and others, with an order of the House on each that the same be referred to the Military Committee—whereupon Resolved to concur in said orders of reference.

Received the following entitled bills to wit: "An act authorizing the Quarter Master General to loan arms to Capt. [Alden] Partridge, An act in addition to and amendment of an act entitled 'An act regulating and governing the militia of this State,'" with an order of the House on each, that the same be referred to the military Committee, whereupon Resolved to concur in said orders of reference.

Adjourned to 2 O clock P. M.

2 O CLOCK P. M.—The Governor and Council met agreeably to adjournment.

The petitions of Stewart Chellis for pardon, of John Barnes, of Jacob A. Spencer for pardon, were severally taken up, read and on motion ordered to be dismissed.

The petition of Anson Church was taken up, read and on motion ordered to lie [lie] on the table.

Adjourned to 9 Oclock to-morrow morning.

TUESDAY October 14th, 1823. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment.

M^r. Dana of Orange County appeared in the Council, was duly qualified and took his seat.

A message was received from the House informing the Governor and Council, that agreeably to the rules of the House they have appointed the following Standing Committees in addition to those heretofore appointed, in which they request the Governor and Council to join, to wit: A committee of 13 to be denominated the general Committee, A Committee of 4 denominated the literary Committee. Whereupon resolved to join in the appointment of said committees. M^r. Dana of O. was appointed on the General Committee. M^r. Wetmore was appointed on the literary Committee.

The Lieut. Governor moved to reconsider the vote to dismiss the Petition of Jacob A. Spencer for pardon and the question was put and carried in the affirmative and the same was ordered to lie on the table.

The petitions of Raymond Begary, and Jesse Brooks for pardon, were severally taken up, read and on motion ordered to be dismissed.

Received the petition of Gordon Newell and others with an order of the House thereon that the same be referred to a committee of 4 to join from Council, whereupon resolved to concur in said order of reference and Mr. Holley was appointed from Council.

Received the bill entitled "An act annexing the County of Essex to the County of Caledonia," with an order of the House thereon that the same be referred to a committee of 4 to join from Council, whereupon, resolved to concur in said order of reference, and Mr. Pratt was appointed from Council.

Received the petition of Ebenezer Wilder and others with an order of the House thereon, that the same be referred to a committee of 4 to join from Council, whereupon resolved to concur in said order of reference and Mr. Proctor was appointed from Council.

Received the Petition of Silas Baldwin with an order of the House thereon, that the same be referred to a committee of four to join from Council, whereupon resolved to concur in said order of reference and the Lieut. Governor was appointed from Council.

Received the Petition of Christopher Minot and others with an order of the House thereon, that the same be referred to a committee of 4 to join from Council, whereupon resolved to concur in said order of reference and Mr. Dana of O. was appointed from Council.

Received the Petition of Abel Darby with an order of the House thereon, that the same be referred to a committee of 4 to join from Council, whereupon resolved to concur in said order of reference and Mr. Butler was appointed from Council.

Received the Petitions of Sylvanus Sayre, of Daniel Elliot, of Clark Watson, of John Lanks ³⁴, of Asa Chamberlin, of George W. Parker, with an order of the House on each that the same be referred to a Committee of 4 to join from Council; whereupon resolved to concur in said orders of reference, and Mr. Berry was appointed from Council.

Received the Petition of Amos Churchill and others with an order of the House thereon, that the same be referred to a Committee of 4 to join from Council; whereupon resolved to concur in said order of reference, and Mr. Holley was appointed from Council.

Received the bill entitled "An act incorporating Hog Island into a town by the name of Elizabethtown," The Petitions of sundry inhabitants of Bristol, of Robert Johnson and others, of Joseph Anthony and others, of sundry inhabitants of Troy, Jay and Westfield, of sundry inhabitants of Coit's Gore, Belvidere and Cambridge, with an order of the House on each that the same be referred to the Committee raised on the Petition of Amos Churchill and others; whereupon resolved to concur in said orders of reference.

Received the Petitions of Josiah Wood Jr. and others, of Luther Parks and others, of William Marshall and others, with an order of the House on each, that the same be referred to the land tax Committee, whereupon resolved to concur in said orders of reference.

Received the Petition of Asa Aldis and others for a bank, with an order of the House thereon that the same be referred to a committee of 4 to join from Council, whereupon resolved to concur in said order of reference and Mr. Dana of C. was appointed from Council. Received the Petitions of Charles K. Williams and others, of Apollus [Apollos] Austin and others, of Augustine Clark [Clarke] and others for banks, with an order of the House on each, that the same be referred to the Committee raised on the petition of Asa Aldis and others; whereupon resolved to concur in said orders of reference.

Received the Petition of Jonas Galusha and others, with an order of

the House thereon that the same be referred to the General Committee; whereupon resolved to concur in said order of reference.

Received the Petitions of the officers of the 2^d Company of Cavalry annexed to the 1st Brigade and 2^d Division of the militia, of Abel Lyman, of Henry Thomas and others, of John Wright and others, of Jonathan Baker Jun^r, with an order of the House on each, that the same be referred to the military Committee; whereupon resolved to concur in said orders of reference.

Received the Petitions of Isaac Rixford, of Richard L. Dickerman, of Benjamin Adams, and a bill entitled "An act directing the Treasurer to pay Job Lyman," with an order of the House on each that the same be referred to the Committee of Claims; whereupon resolved to concur in said orders of reference.

Received a bill entitled "An act in addition to an act relating to jails and jailers and for the relief of persons imprisoned therein," with an order of the House thereon, that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference.

Received a bill entitled "An act for the relief of the town of Goshén," with an order of the House thereon, that the same be referred to the Committee of Ways and Means; whereupon resolved to concur in said order of reference.

Received the Petition of Isaac Knight, with an order of the House thereon, that the same be referred to the Committee of Insolvency, whereupon resolved to concur in said order of reference.

Received the Petition of Isaac Kimball administrator of Samuel Barber, with an order of the House thereon, that the same be referred to the Committee of New trials; whereupon resolved to concur in the said order of reference.

Received the Petition of Oramel Hutchinson and others, with an order of the House thereon, that the same be referred to the literary committee; whereupon resolved to concur in the said order of reference.

The House sent up the following resolutions to wit:

"In General Assembly October 13th, 1823. Resolved, the Governor and Council concurring herein, that that part of his excellency's speech which relates to domestic manufactures be referred to the Committee of Manufactures. Resolved that that part of his excellency's speech which relates to education be referred to the literary Committee. Resolved that that part of it which relates to agriculture be referred to the Committee of Agriculture. Resolved that that part of it which relates to the education of the deaf and dumb be referred to the Committee raised on the Petition of Silas G. Baldwin." Whereupon resolved to concur in passing said resolutions.

Received from the House the following resolution for concurrence to wit: "In General Assembly October 13th, 1823. Resolved that the Judiciary Committee be instructed to inquire into the propriety of repealing that part of the act relating to paupers, that makes it necessary to record the time that any person removes into any town in order to gain a residence, and make report to this House;" whereupon resolved to concur in passing said resolution. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M. —The Governor and Council met pursuant to adjournment. The Petition of Samuel Blackington for pardon was taken up, read and the question was put, "Shall the said Samuel Blackington be discharged from his said confinement?" which was determined in the affirmative. Yeas 11, Noes 0. Those who voted in the affirmative are the Lieut. Governor, Messrs. Berry, Butler, Dana of O. Chittenden, Dana of C. Holley, Pratt, Proctor, Stanley, Wetmore. The Petition of

Joseph Clark for pardon was taken up, read and on motion of Mr. Dana of O. was ordered to be dismissed. The Petition of Jeremiah Comstock, a convict in the state prison, was taken up and the question put "Shall the said Jeremiah Comstock be discharged from his said confinement?" which was determined in the affirmative. Yeas 9, Nays 2. Those who voted in the affirmative are the Lieut. Gov. Messrs. Berry, Butler, Chittenden, Dana of C. Holley, Pratt, Stanley and Wetmore. Those who voted in the negative are Messrs. Dana of O. and Proctor. The Petition of Esek Comstock, a convict in the state prison, was taken up and the question put "Shall the said Esek be discharged from his said confinement," which was determined in the affirmative. Yeas 9, Nays 2. Those who voted in the affirmative are the Lieut. Gov. Messrs. Berry, Butler, Chittenden, Dana of C. Holley, Pratt, Stanley and Wetmore. Those in the negative are Messrs. Dana of O. and Proctor.

Rec^d from the House the account current and report of the Superintendent and Warden of the state prison, with an order thereon, that the same be referred to the Committee of ways and means; whereupon resolved to concur in the said order of reference. Adjourned to 9 O'clock to morrow morning.

WEDNESDAY October 15th. 1823. 9 O'clock A. M.

The Governor and Council met pursuant to adjournment. Mr. Langdon appeared in the Council, was qualified and took his seat.

Received from the House the Petition of Sundry inhabitants of Concord, with an order of the House thereon that the same be referred to the literary Committee; whereupon resolved to concur in said order of reference.

Received the Petition of Jared Parkhurst and others, with an order of the House thereon that the same be referred to the Committee of Insolvency; whereupon resolved to concur in the said order of reference.

Rec^d the Petitions of the selectmen of Washington, of the selectmen of Newport, of the selectmen of Brownington, of William Baxter and Roger Enos, with an order of the House on each that the same be referred to the land tax Committee; whereupon resolved to concur in the said orders of reference.

Rec^d the Petition of Elisha Tucker and others, with an order of the House thereon that the same be referred to the committee raised on the petition of Amos Churchill and others; whereupon resolved to concur in the said order of reference.

Rec^d the Petitions of Cyrenius M. Fuller and Asa Briggs, of Thomas Keyes and others, and a bill entitled "An act directing the Treasurer to pay Jonathan Cook the sum therein mentioned," with an order of the House on each, that the same be referred to the Committee of Claims; whereupon resolved to concur in the said orders of reference.

Rec^d the petition of [William] Williams and others, with an order of the House thereon that the same be referred to a Committee of 4 to join from Council; whereupon resolved to concur in said order of reference and Mr. Stanley was appointed from Council.

Rec^d the Petition of Daniel G. Huntington and Seth J. Hitchcock with an order of the House thereon, that the same be referred to a Committee of 4 to join from Council; whereupon resolved to concur in said order of reference and Mr. Dana of O. was appointed from Council.

Rec^d the following resolution for concurrence to wit: "In General Assembly October 14th. 1823. Resolved that his Excellency the Governor be requested to appoint thursday the 4th day of December next, to be

observed as a day of public thanksgiving and praise throughout this state," whereupon resolved to concur in passing said resolution.

Rec^d. the following resolution for concurrence to wit: "In General Assembly Oct^r 14th, 1823. Resolved the Governor and Council concurring herein that the Committee of ways and means be instructed to inquire into the expediency of providing by law, for giving a specified bounty, for apprehending each felon, together with the expenses of transporting from the place of taking to the place of trial, such expenses to be adjusted by the Supreme Court;" whereupon resolved to concur in passing said resolution.

Rec^d. the following resolution for concurrence, to wit: "In General Assembly October 14th, 1823. Resolved that the General Committee be instructed to inquire as to the expediency of altering the laws in relation to taking the general list of this state, so far as to require lists to be made out of what the taxable inhabitants are possessed on the first day of April annually;" whereupon resolved to concur in passing said resolution.

Rec^d. from the House the following resolution for concurrence to wit: "In General Assembly Oct^r 14th, 1823. Resolved that the Judiciary Committee be instructed to inquire into the expediency of excluding the admissions of depositions as legal evidence in the courts of law, in all cases where notice to the adverse party is not certified;" whereupon the same being read it was resolved to concur in passing said resolution.

Rec^d. from the House the following resolution for concurrence to wit: "In General Assembly October 11th, 1823. Resolved that a Committee of 4 members be appointed to be joined from the Council, to take into consideration the expediency of making provision for compiling, arranging and reprinting such of the statute laws of this state as are now in force;" whereupon resolved to concur in passing said resolution and Mr. Langdon was appointed from Council.

Rec^d. from the House a bill entitled "An act relating to the Narrows bridge across Missisquoi river in Sheldon," with an order of the House thereon that the same be referred to the Turnpike Committee, whereupon resolved to concur in said order of reference.

Rec^d. the Petition of Benjamin Brown and others, with an order of the House thereon that the same be referred to the Military Committee; whereupon resolved to concur in said order of reference.

The Governor and Council attended in the House of Representatives to make County appointments, after which they returned to the Council Chamber. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment. The Petition of John Conant was taken up, read and on motion of Mr. Wetmore ordered to be dismissed. The Petition of John Emerson, a convict in the state prison, was taken up, read and the question put "Shall the said John Emerson be discharged from his said confinement," which was determined in the affirmative. Yeas 8, Nays 1. Those who voted in the affirmative are the Lieut. Governor, Messrs. Butler, Chittenden, Dana of C. Pratt, Proctor, Stanley and Wetmore. Those who voted in the negative are Mr. Dana of O. The Petition of Samuel Elder was taken up, read and on motion ordered to be dismissed.

Received from the House a bill entitled "An act authorizing the administrator of Abel W. Atherton to sell and convey certain lands situate in this state," with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference. Adjourned to 9 O'clock to-morrow.

THURSDAY October 16th. 1823. 9 o'clock A. M.

The Governor and Council met pursuant to adjournment. The Petition of Meriner Floid for pardon was taken up and on motion of the Lieut. Governor was ordered to be dismissed. The Petition of Jacob B. Gage was taken up and on motion of the Lieut. Governor was ordered to be dismissed. The Petition of Rufus Green for pardon was taken up and on motion of Mr. Dana of O. was ordered to be dismissed. The Petition of William B. Herrick for pardon was taken up, read and on motion of Mr. Dana of C. was ordered to be dismissed. The Petition of Thomas Handlin was taken up and on motion of the Lieut. Governor was ordered to be dismissed. Resumed the consideration of the Petition of Jacob Spencer for pardon and on motion the same was ordered to lye on the table.

Rec^d. from the House the Petition of Daniel Staniford, with an order of the House thereon that the same be referred to the Committee of New trials; whereupon resolved to concur in said order of reference.

Received the Petitions of Azariah Webb, of Nicholas Guindon, of Isaac Day, with an order of the House on each, that the same be referred to the Committee of Claims; whereupon resolved to concur in said orders of reference.

Rec^d. the Petitions of Christopher G. Champlin and others, of Albro Anthony and others, with an order of the House on each, that the same be referred to the land tax Committee; whereupon resolved to concur in said orders of reference.

Rec^d. the Petitions of Adonijah B. Rodgers and others, of Lemuel Curtis and others, of the officers of Cavalry in the 2^d Brigade and 3^d Division of the militia, of Horace Hollister and others, with an order of the House on each, that the same be referred to the military Committee; whereupon resolved to concur in said orders of reference.

Rec^d. from the House the bill entitled "An act exempting certain persons from arrest"—also a bill entitled "An act directing proceedings against imprisoned debtors"—also the Petition of Hannah Day, with an order of the House on each, that the same be referred to the Judiciary Committee; whereupon resolved to concur in said orders of reference.

Rec^d. the Petitions of Daniel Wilcox, of Joseph Frost, of Charles McNeil, of John Niles, of John Doane and others, of Elisha Boardman, of the Directors of Strafford turnpike company, of Abner Field and others, with an order of the House on each that the same be referred to the Turnpike Committee; whereupon resolved to concur in said orders of reference.

Rec^d. the Petition of the selectmen of Jamaica, with an order of the House thereon, that the same be referred to a committee consisting of the members of Windham County, to join from Council; whereupon resolved to concur in said order of reference, and Mr. Proctor was appointed from Council.

Rec^d. the Petitions of William Hénry and others, of Miles H. Andrus and others, with an order of the House on each, that the same be referred to the General Committee; whereupon resolved to concur in said orders of reference.

Rec^d. from the House the following resolution for concurrence to wit: "In General Assembly October 15th. 1823. Resolved that the Judiciary Committee be directed to inquire into the expediency of so altering the law as to enable County Courts to direct book actions, appealed from justices of the peace, to be tried by auditors, and make report to this House;" whereupon resolved to concur in passing said resolution.

Rec^d. from the House the following resolution for concurrence to wit: "In General Assembly October 15th. 1823. Resolved, the Governor and

Council concurring herein, that there be a committee of 4 members appointed from the House, to join from Council, whose duty it shall be to examine into the situation of the several rights of land in this State, granted for the benefit of the society for the propagation of the gospel in foreign parts, and report to this House whether any, and if any, what further measures ought to be adopted in relation to the same;" whereupon resolved to concur in said order of reference and M^r. Langdon was appointed from Council.

Adjourned to 2 O'clock P. M. at which time the Governor and Council met pursuant to adjournment. The Petition of Jacob Spencer was taken up and on motion ordered to be dismissed. The Petition of Alexander Haggart was taken up and on motion of M^r. Dana of O. ordered to be dismissed.

The Petition of John Jones, for pardon, was taken up and the question put "Shall the said John Jones be discharged from confinement," which was determined in the affirmative — yeas 11, nays 1. Those who voted in the affirmative are the Lieut. Gov^r. Messrs. Berry, Butler, Chittenden, Dana of C. Holley, Langdon, Pratt, Proctor, Stanley and Wetmore. Those who voted in the negative are M^r. Dana of O.

The Petitions of William Johnson, Theodore Staples, James Jerman, Harvey Metcalf, William W. Noble, David Norris, Alfred Prentiss, Peter W. Quackenbush, of Reuben Rollins, of Benjamin Smith, of Leonard Smith, of John Vevas, of Horace Wheeler, of Thomas Williams, of George Wheeler, for pardon were severally taken up, read, and on motion, ordered to be dismissed.

The Petition of B. S. Munro for pardon was taken up, read and on motion ordered to lie on the table.

The House sent up the following resolution for concurrence to wit: "In General Assembly October 16th. 1823. Resolved, the Governor and Council concurring herein, that both houses meet in the representatives' room to morrow at ten O'clock in the forenoon, for the purpose of electing a Warden and Superintendant of the state prison for the year ensuing;" whereupon resolved to concur in passing said resolution and the Secretary was ordered to notify the House accordingly.

Adjourned to 9 O'clock to morrow morning.

FRIDAY October 17th. 1823. 9 O'clock A. M.

The Governor and Council met pursuant to adjournment.

The Petitions of Solomon P. Wheeler, of Levi Noble, of Anson Church, for pardon, were severally taken up and on motion ordered to be dismissed.

The House sent up the following for the concurrence of the Governor and Council in the reference, to wit, a bill entitled "An act annexing the town of Morristown in the County of Orleans to Washington County;" also a bill entitled "An act in amendment to an act entitled an act annexing a part of the town of Waitsfield to the town of Northfield," with an order of the House on each that the same be referred to the committee raised on the petition of Amos Churchill and others; whereupon resolved to concur in said orders of reference.

Received the Petition of the President, Directors and Stockholders of the Rutland and Stockbridge turnpike Company praying for leave to Surrender a part of the road, with an order of the House thereon that the same be referred to the turnpike Committee; whereupon resolved to concur in said order of reference.

Rec^d from the House a bill entitled "An act directing the Treasurer to pay Abel Page the sum therein mentioned;" also the Petitions of Benjamin Brock, of Ephraim Ingham Jr., of Daniel Tufts, and the account of Darius Clark against the state, with an order of the House on each that the same be referred to the Committee of Claims; whereupon resolved to concur in said orders of reference.

Rec^d from the House the bill entitled "An act authorising the present Clerk of Essex County Court to certify certain records in the County of Essex," with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference.

The House sent up for revision and concurrence &c. an engrossed bill entitled "An act authorizing the administrator of Abel W. Atherton to sell and convey certain lands in this state," which was read; whereupon resolved to concur in passing said bill.

Rec^d from the House a bill entitled "An act for the relief of persons imprisoned for debt;" also a bill entitled "An act relating to a road in Pittsford," with an order of the House on each, that the same be referred to the Judiciary Committee; whereupon resolved to concur in said orders of reference.

The House sent up the following resolution for concurrence to wit: "In General Assembly October 16th, 1823. Resolved, the Governor and Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of altering the present law so far as to give jurisdiction to justices of the peace, in actions of trespass on the freehold, and also to provide for the removal of such actions, and all other actions brought before a justice of the peace, for the rent or use and occupation of real estate where the title to real estate is concerned, to the County Court;" whereupon resolved [to concur] in passing said resolution.

The House sent up the following resolution for concurrence to wit: "In General Assembly October 16th, 1823. Resolved, the Governor and Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of providing by law, that whenever any person shall prefer a petition to the legislature for a new trial, having previously petitioned, and failed to obtain the same, that the Petitioner in such case shall be liable to the petitionee for all the actual trouble and expense which he may be subjected to in consequence of such second application or petition, to be recovered before any court of competent jurisdiction;" whereupon resolved to concur in passing said resolution.

Rec^d the Petitions of the officers of the Washington Artillery Company, of Josiah Jaquith and others, of William Gifford and others, of the officers of light infantry, with an order of the House on each, that the same be referred to the military Committee; whereupon resolved to concur in said orders of reference.

Rec^d from the House a bill entitled "An act authorising the town of Fairfax to receive and hold land by gift or purchase for the support of common schools"—also a communication from the Secretary of State, with an order of the House on each, that the same be referred to the literary Committee; whereupon resolved to concur in said orders of reference.

Rec^d the Petition of Amos Hutchinson, Guardian to Frederick White, with an order of the House thereon, that the same be referred to a committee of 4 to join from Council; whereupon resolved to concur in said order of reference and M^r Holley was appointed from Council.

Rec^d the Petition of Dudley Chase and others with an order of the House thereon that the same be referred to a committee of 4 to join from

Council; whereupon resolved to concur in said order of reference and the Lieut. Gov^r. was appointed from Council.

Rec^d the Petition of Jonathan Fassett with an order of the House thereon, that the same be referred to a committee of 4 to join from Council; whereupon resolved to concur in said order of reference and Mr. Langdon is appointed from Council.

Rec^d the Petitions of Curtis Kelsey Jr., of Miles W. Blanchard, with an order of the House on each that the same be referred to the Committee of Insolvency; whereupon resolved to concur in said order of reference.

The House sent up the following resolution for concurrence, to wit, "In General Assembly October 15th, 1823. Resolved that a Committee of 4 members from the House, to join from Council, be raised to inquire if any and what alterations ought to be made in the existing law relative to the inspection of provisions intended for exportation, and that they have leave to report by bill or otherwise;" whereupon resolved to concur in passing said resolution, and Mr. Dana of O. is appointed from Council.

Rec^d from the House a bill entitled "An act incorporating the Windsor Manufacturing Company," with an order of the House thereon, that the same be referred to the Committee of Manufactures; whereupon resolved to concur in said order of reference.

Rec^d the Petitions of Ralph Chamberlin and Stephen Perkins, of Israel Hurlburt, with an order of the House on each that the same be referred to the Committee of ways and means; whereupon resolved to concur in said orders of reference.

Rec^d the Petitions of Elias Hall, of Elias Keyes, with an order of the House on each that the same be referred to the Committee of New trials; whereupon resolved to concur in said orders of reference.

Rec^d from the House a bill entitled "An act laying a tax of 4 cents per acre upon Mansfield," also the Petition and remonstrance of Samuel H. Hovey and others, also a bill entitled "An act to repeal the providing clause in an act passed Nov^r. 6th, 1822," with an order of the House on each, that the same be referred to the land tax committee; whereupon resolved to concur in said orders of reference.

The Governor and Council attended in the House of representatives and together with the House elected a Warden and Superintendent of the state prison for the year ensuing, and returned to the Council Chamber.¹

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—His Honor the Lieut. Governor and the Council met pursuant to adjournment.

Mr. Dana of O. moved to reconsider the vote to dismiss the petition of George Wheeler and the question was put and carried in the affirmative and the same was ordered to lye on the table.

Adjourned to 9 O'clock to morrow morning.

SATURDAY October 18th, 1823. 9 o'clock A. M.

The Lieut. Gov^r. and Council met pursuant to adjournment. The House sent up the following resolution for concurrence to wit: "In General Assembly October 16th, 1823. Resolved the Judiciary Committee

¹ Jabesh Hunter was elected Warden, and John H. Cotton Superintendent.

be instructed to inquire into the expediency of abolishing imprisonment for debt from and after the first day of January next, and report by bill or otherwise;" whereupon resolved to concur in passing said resolution.

The House sent up the following resolution for concurrence to wit: "In General Assembly October 17th, 1823. Resolved, the Gov^t and Council concurring herein, that the General Committee be instructed to inquire into the expediency of passing a law to prevent travelling faster than a walk across bridges in this state, and to report by bill or otherwise;" whereupon resolved to concur in passing said resolution.

The House sent up an engrossed bill entitled "An act to repeal part of an act therein mentioned;" whereupon resolved to concur in passing this bill. Also, "An act annexing a part of the town of Plymouth in the County of Windsor to the town of Shrewsbury in the County of Rutland," which was read, whereupon resolved to concur in passing this bill. Ordered that the Sec'y inform the House of the passage of the two bills last mentioned.

The House sent up for revision and concurrence &c. an engrossed bill entitled "an act relating to the Narrows Bridge across the Missisquoi River in Sheldon," which was read and on motion referred to Mr. Langdon to consider and report thereon.

The House sent up for revision and concurrence &c. the engrossed bill entitled "An act in addition to an act entitled an act to preserve the fish in the several waters in the County of Rutland, passed Nov^r. 8th, 1822," which was read, whereupon resolved to concur in passing this bill. Ordered that the Sec'y inform the House accordingly.

Rec^d from the House the petition of the Trustees of the University of Vermont with an order of the House thereon that the same be referred to the Literary Committee; whereupon resolved to concur in said order of reference.

Rec^d the pe[titi]on and remonstrance of Samuel H. Hovey and others, also the petition of Eli Hunt and others, also the petition of Nathaniel Hanxhurst and others, with an order of the House on each that the same be referred to the Committee raised on the petition of Amos Churchill and others; whereupon resolved to concur in said orders of reference.

Rec^d from the House the petition of John Beckwith and a bill accompanying the same, with an order on each that the same be recommitted to the Committee of Claims; whereupon resolved to concur in said order of recommitment.

Rec^d from the House the petition of Absalom Fuller, with an order of the House thereon, that the same be referred to the Committee of New Trials; whereupon resolved to concur in said order of reference.

Rec^d the petition of Joshua Hale and others, with an order of the House thereon, that the same be referred to the Committee raised upon the petition of Asa Aldis and others; whereupon resolved to concur in said order of reference.

Rec^d the petition of Manasseh Divoll and others, with an order of the House thereon that the same be referred to the military Committee; whereupon resolved to concur in said order of reference.

Resumed the consideration of the petition of Nathaniel Smith, for the remission of a certain fine & cost, and on motion the same was ordered to lie on the table. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—His Honor the Lieut. Governor and the Council met pursuant to adjournment.

The House sent up for revision and concurrence &c. an engrossed bill entitled "An act granting to Charles McNeil the exclusive right of keeping a ferry from Charlotte across Lake Champlain," which was read,

whereupon resolved to concur in passing this bill. Also, "An act in addition to an act to authorise the Supreme Court to impower Guardians to sell the real estate of their wards, passed the 6th day of Feb'y 1804," which was read; whereupon resolved to concur in passing this bill. Also, "An act for the relief of the Town of Sommersett," which was read, whereupon resolved to concur in passing this bill. Also "An act for the relief of the town of Goshen," which was read; whereupon resolved to concur in passing this bill. Also "An act to repeal a part of an act therein mentioned," which was read; whereupon Resolved to concur in passing this bill. And the Secretary was ordered to notify the House of the passage of the five bills last mentioned. Adjourned to Monday morning next 9 O'clock A. M.

MONDAY October 20th. 1823.

His Honor the Lieut. Governor and the Council met pursuant to adjournment. The House sent up for revision and concurrence &c. an engrossed bill entitled "An act directing the Treasurer to pay Benjamin Adams the sum therein mentioned," which was read, whereupon resolved to concur in passing this bill. And the Secretary was ordered to inform the House accordingly.

Rec^d from the House a bill entitled "An act to authorize the sale of lands in Westhaven," Also a bill entitled "An act in addition to an act therein mentioned," with an order of the House on each that the same be referred to the Judiciary Committee; whereupon resolved to concur in said orders of reference.

Rec^d from the House a bill entitled "An act to incorporate the Windsor female academy" with an order of the House on the same, that it be referred to the Literary Committee; whereupon resolved to concur in said order of reference.

Rec^d from the House "An act to repeal the providing clause in an act passed Nov^r. 6th. 1822," with an order of the House thereon that the same be recommitted to the land tax Committee; whereupon resolved to concur in said order of recommitment.

The House sent up the following resolution for concurrence to wit, "In General Assembly October 18th. 1823. Resolved, the Governor and Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of altering or amending an act entitled "An act for the purpose of regulating suits respecting landed property, and directing the proceedings therein, passed 15th Nov^r. 1820," which was read, whereupon resolved to concur in passing this resolution.

The House sent up the bill entitled "An act to incorporate the Phi Sigma Nu Society of the University of Vermont," for the concurrence of the Gov^r & Council, which was read; whereupon resolved to concur in passing this bill.

The House sent up the following resolution for concurrence, to wit: "In General Assembly October 18th. 1823. Resolved, the Governor and Council concurring herein, that the auditor of accounts against this state be directed to audit and allow all accounts against this state for publishing the General orders of the Commander in Chief of the Militia of this state, when such publication is made by direction of the Adjutant and Inspector General," which was read; whereupon resolved to concur in passing this resolution, and the Secretary was ordered to inform the House of the concurrence of the Governor and Council in the passage of the bills last mentioned, and this resolution.

The House sent up the following resolution for concurrence, to wit, "In General Assembly October 18th. 1823. Resolved that the General

Committee be instructed to inquire into the expediency of altering the time of the session of the Supreme Court in some of the counties in this state," which was read; whereupon resolved to concur in passing this resolution.

The House sent up the following resolution for concurrence to wit, "In General Assembly October 18th. 1823. Resolved, the Governor and Council concurring herein, That the Committee of ways and means be instructed to report a bill for the compensation of the Superintendent of the Vermont State prison, for his services for the past year," which was read, whereupon resolved to concur in passing this resolution.

The petition of George Wheeler, a convict in the state prison, was called up, read, and the question put "Shall the said George Wheeler be discharged from his said confinement," which was determined in the affirmative—yeas 10, nays 0. Those who voted in the affirmative are Messrs. Berry, Butler, Dana of O. Dana of C. Holley, Langdon, Pratt, Proctor, Stanley and Wetmore.

The petition of Bohan S. Munro was called [up,] read and on motion ordered to be dismissed. The petition of John F. Bradley, for pardon, was called up, read and on motion of Mr. Berry ordered to be dismissed. The petition of Nathan Smith was called up, read, and on motion, ordered to be dismissed. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment. Mr. Langdon, to whom was referred the bill entitled "An act relating to the Narrows Bridge across Missisquoi river in Sheldon," reported the same with an amendment which was read and adopted; whereupon resolved to concur in passing said bill with the proposed amendment. Mr. Langdon reported the following reason for said amendment, to wit, "That for all injuries done to property of this description, the remedy should be a summary one," which was read and adopted. Ordered that the Sec'y return said bill with the amendment and reason aforesaid to the House and request their concurrence. Adjourned to 9 O'clock to morrow morning.

TUESDAY October 21st. 1823. 9 O'clock A. M.

The Governor and Council met pursuant to adjournment. Rec^d. from the House the bill entitled "An act directing the proceedings against the trustees of imprisoned debtors" with an order of the House thereon that the same be referred to a select committee to be joined from Council; whereupon resolved to concur in said order of reference and Mr. Langdon was appointed from Council.

Received the petition of Jeremiah Nourse and others, and of Philetus Pier and others, with an order of the House on each that the same be referred to the Committee raised on the petition of Amos Churchill and others, whereupon resolved to concur in said orders of reference.

Rec^d. from the House the petition of the Inhabitants of Concord with an order of the House thereon that the same be referred to the Committee raised on the bill entitled "An act annexing Essex County to Caledonia," whereupon resolved to concur in said order of reference.

Rec^d. the petition of Elias Hall with an order of the House thereon that the same be recommitted to the Committee of New trials, whereupon resolved to concur in said order of recommitment.

Rec^d. the petition of Azariah Webb with an order of the House thereon that the same be referred to the committee raised on the petition of Jonathan Fassett, whereupon resolved to concur in said order of reference.

Rec^d. the petition of the town of Newark with an order of the House

thereon that the same be referred to the committee raised on the petition of Amos Churchill and others, whereupon resolved to concur in said order of reference.

Rec^d. the account of J. D. Huntington with an order of the House thereon, that the same be referred to the Committee of Claims, whereupon resolved to concur in said order of reference.

Received the bill entitled "An act directing the Treasurer to pay the town of New Haven the sum therein mentioned," with an order of the House thereon that the same be recommitted to the Committee of Claims, whereupon resolved to concur in said order of recommitment.

The House sent up the following resolution for concurrence to wit, "In General Assembly October 20th, 1823. Resolved, the Governor and Council concurring herein, that a committee of two members of this house be raised to join from Council, to inquire into the expediency of passing a law for the appointment of inspectors of lumber, in the several towns in this state, and report by bill or otherwise," which was read, whereupon resolved to concur in passing this resolution, and M^r. Dana of O. was appointed from Council.

Rec^d. from the House the following resolution for concurrence to wit, "In General Assembly October 20th, 1823. Resolved, the Governor and Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of passing a law authorising the Supreme Court to hear and determine motions and petitions for rehearing in questions of alimony," which was read, whereupon resolved to concur in passing this resolution.

The House sent up the following resolution for concurrence to wit: "In General Assembly October 20th, 1823. Resolved, the Governor and Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of passing a law, empowering the Supreme and County Courts to hear and determine all claims that any person or persons has or may have against this state for the apprehending of felons, and that said committee report by bill or otherwise," which was read, whereupon resolved to concur in passing this resolution.

Adjourned to 2 O clock P. M. at which time the Governor and Council met pursuant to adjournment.

Rec^d. from the House for revision and concurrence &c. the bill entitled "An act to preserve the fish in the waters in the town of Morristown," which was read, whereupon resolved to concur in passing this bill.

M^r. Wetmore moved to reconsider the vote to dismiss the petition of Thomas Handlin, a convict in the state prison, which was put and carried in the affirmative, and the question was then put "Shall the said Thomas Handlin be discharged from his said confinement," which was determined in the affirmative—yeas 7, nays 5. Those who voted in the affirmative are the Lieut. Governor, Messrs. Berry, Chittenden, Dana of C. Holley, Pratt and Stanley. Those who voted in the negative are Messrs. Butler, Dana of O. Langdon, Proctor and Wetmore.

Rec^d. from the House for revision and concurrence &c. the bill entitled "An act to preserve the fish in certain waters therein mentioned," which was read, whereupon resolved to concur in passing this bill.

M^r. Wetmore moved to reconsider the vote to concur in passing the bill entitled "An act to preserve the fish in the waters in the town of Morristown," which was put and carried in the affirmative. M^r. Wetmore proposed an amendment to said bill which was read and adopted, whereupon resolved to concur in passing this bill with the proposed amendment and M^r. Wetmore was appointed to assign reasons to the House.

Rec^d from the House for revision and concurrence &c. the bill entitled "An act to repeal the providing clause in an act passed Nov^r 6th 1822, entitled an act laying a tax of one cent and a half per acre on the town of Navy," which was read, whereupon resolved to concur in passing this bill. Also "An act directing the Treasurer to pay Job Lyman the sum therein mentioned," which was read, whereupon resolved to concur in passing this bill. Also "An act directing the Treasurer to pay Timothy P. Bartholomew the sum therein mentioned," which was read, whereupon resolved to concur in passing this bill. Also "An act for the relief of George W. Parker," which was read, whereupon resolved to concur in passing this bill. Also "An act annexing the 2^d Company of Cavalry in the 1st Brigade 2^d Division of the militia of this state to the 2^d Regiment in said Brigade," which was read, whereupon resolved to concur in passing this bill. Also "An act authorizing the Treasurer of this state to pay Otis King the sum therein mentioned," which was read, whereupon it was resolved to concur in passing this bill. Also "An act directing the Treasurer to pay Abel Page the sum therein mentioned," which was read, whereupon resolved to concur in passing this bill. Also "An act appointing a collector of taxes for the town of Hancock," which was read, whereupon resolved to concur in passing this bill. Also "An act for the relief of the selectmen of Brandon," which was read, whereupon resolved to concur in passing this bill. Also "An act directing the Treasurer to pay William Boardman the sum therein mentioned," which was read, whereupon resolved to concur in passing this bill. Also, "An act laying a tax of three cents per acre on the town of Albany in the County of Orleans," which was read, whereupon resolved to concur in passing this bill. Also "An act laying a tax of four cents per acre on the town of Orange," which was read, whereupon, resolved to concur in passing this bill. Received from the House for revision and concurrence &c. The bill entitled "An act laying a tax of three cents per acre on the town of Victory in the County of Essex," which was read, whereupon, resolved to concur in passing this bill. Also "An act laying a tax of four cents per acre on the town of Brownington," which was read, whereupon resolved to concur in passing this bill. Also "An act laying a tax of four cents per acre on the town of Westfield," which was read, whereupon resolved to concur in passing this bill. Also "An act laying a tax of four cents per acre on the town of Glover in the County of Orleans," which was read, whereupon resolved to concur in passing this bill. Also "An act laying a tax of four cents per acre on the town of Washington," which was read, whereupon resolved to concur in passing this bill. Also "An act in addition to an act and to revive an act entitled an act laying a tax of four cents on the acre on the town of Mansfield in the County of Chittenden, passed October 28th 1822," which was read, whereupon resolved to concur in passing this bill. Ordered that the Secretary inform the House of the passage of the 19 bills last mentioned. Adjourned to 9 O'clock to morrow morning.

WEDNESDAY October 22^d 1823. 9 o'clock A. M.

The Governor and Council met pursuant to adjournment.

The House sent up the following resolution for concurrence to wit, "In General Assembly October 22, 1823. Resolved, the Governor and Council concurring herein, that both houses meet in Joint Committee at the opening of the House this afternoon, for the purpose of electing a Brigadier General of the 2^d Brigade and 2^d division of the militia of

this state, and also a person to preach the next election sermon, and also a Surveyor General," which was read and adopted and the Sec'y ordered to inform the House accordingly.

Rec^d from the House for revision and concurrence &c. The bill entitled "An act granting to John Niles the exclusive right of a ferry," which was read and M^r. Wetmore proposed amendments to the same which were adopted and M^r. Wetmore was appointed to assign reasons to the House for said amendments.

Rec^d from the House the bill entitled "An act to incorporate the President, Directors and Company of the farmers' bank in Montpelier," with an order of the House thereon that the same be referred to the committee raised on the petition of Asa Aldis and others, whereupon resolved to concur in said order of reference.

Received from the House for revision and concurrence &c. the bill entitled "an act for compensating the Superintendent of the Vermont State prison," which was read, whereupon resolved to concur in passing this bill. And the Secretary was ordered to inform the House of the same.

Received from the House the bill entitled "An act in addition to and amendment of an act entitled An act regulating and governing the militia of this state, passed November 10th. 1818," with an order of the House that the same be referred to the military Committee, whereupon resolved to concur in said order of reference. Also a bill entitled "An act in addition to an act entitled an act relating to jails and jailers and for the relief of persons imprisoned therein," with an order of the House thereon that the same be referred to the Judiciary Committee, whereupon resolved to concur in said order of reference.

Rec^d the bill entitled "An act laying a tax of three cents per acre on the town of Brunswick in the County of Essex," with an order of the House thereon, that the same be recommitted to the land tax Committee—whereupon resolved to concur in said order of recommitment. Also the bill entitled "An act in amendment to an act entitled an act annexing a part of Waitsfield to the town of Northfield," with an order of [the House] thereon that the same be referred to the committee raised on the petition of Amos Churchill and others—whereupon resolved to concur in said order of reference. Rec^d from the House a bill entitled "An act for annexing a part of the town of Bristol in the County of Addison to the town of Lincoln," with an order of the House thereon that the same be referred to the committee raised upon the petition of Amos Churchill and others—whereupon resolved to concur in said order of reference. Also "An act in alteration of an act entitled an act laying duties on licenses to Hawkers and pedlars," with an order of the House thereon that the same be referred to the Judiciary Committee—whereupon resolved to concur in said order of reference.

Rec^d the petition of Zerah B. Thomas with an order of the House thereon that the same be referred to the Committee of Claims—whereupon resolved to concur in said order of reference. Also the petition of the inhabitants of Reading, with an order of the House thereon that the same be referred to a committee of 4 to join from Council, whereupon resolved to concur in said order of reference, and M^r. Proctor was appointed from Council. Also "An act authorising the Treasurer of this state to credit the first constable of the town of Bolton for the year 1822 the sum therein mentioned," with an order of the House thereon, that the same be referred to the Committee of ways and means—[whereupon resolved to concur in said order of reference.]

The House sent up the following resolution for concurrence to wit: "In General Assembly October 21, 1823, resolved, the Governor and

Council concurring herein, that the General Committee be instructed to inquire into the expediency of providing by law that all kinds of personal property that is now set in the list at a certain amount be in future assessed by the listers of each town in this state and set in the list at per cent. on the real value thereof, and report by bill or otherwise," whereupon resolved to concur in passing this resolution.

The House sent up the following resolution for concurrence, to wit: "In General Assembly October 21, 1823, resolved, the Governor and Council concurring herein, that the Committee of ways and means be instructed to inquire into the expediency of granting to the Vermont State Medical Society the use of some part of the property of the State Bank, during the pleasure of the legislature," which was read, whereupon resolved to concur in passing this resolution.

Rec^d. from the House a bill entitled "An act in addition of an act entitled an act encouraging the destruction of wolves and panthers within this state passed March 6th, 1797," with an order of the House thereon that the same be referred to the General Committee—whereupon resolved to concur in said order of reference. Also, "An act in addition to an act entitled an act reducing into one the several acts for laying out, making and clearing highways passed March 3^d, 1797," with an order of the House thereon that the same be referred to the General Committee—whereupon resolved to concur in said order of reference. Also "An act for the relief of the town of Londonderry," with an order of the House thereon that the same be referred to the Turnpike Committee—whereupon resolved to concur in said order of reference. The House sent up the following resolution for concurrence to wit: "In General Assembly October 21, 1823, resolved, the Governor and Council concurring herein, that the Gen^l. Committee be instructed to inquire into the expediency of taxing bank stock the same as money on hand or debts due and report by bill or otherwise," which was read—whereupon resolved to concur in passing this resolution.

Adjourned to 2 O'clock P. M., at which time the Governor and Council met pursuant to adjournment. Agreeably to the concurrent resolution of both houses the Governor and Council met the General Assembly in the representatives' room, to elect in Joint Committee a Brigadier General of the 2^d. Brigade in the 2^d. division of the militia of this state, and the Governor and Council returned to their chamber.¹

Adjourned to 9 O'clock to morrow morning.

THURSDAY October 23, 1823.

The Governor and Council met pursuant to adjournment.

The House sent up for revision and concurrence &c. the bill entitled "An act laying a tax of two cents per acre on Kelly's grant N^o 2," which was read, whereupon resolved to concur in passing this bill. Also "An act incorporating the Grand Lodge of the State of Vermont," which was read, whereupon resolved to concur in passing this bill. Also "An act restoring to Sylvanus Sayer, Timothy Wilmot, Oliver Taylor and Mills Olcott certain privileges therein mentioned," which was read,

¹This record is incomplete. The following elections were made: Jonas Clark of Middletown Brig. General; Rev. Daniel Haskell of Burlington, to preach the then next election sermon, and Rev. Amariah Chandler of Waitsfield alternate; and Alden Partridge of Norwich Surveyor General.

whereupon resolved to concur in passing this bill. Also "An act laying a tax of 4 cents per acre on the township of Greensboro in the County of Orleans," which was read, whereupon resolved to concur in passing this bill. Also "An act laying a tax of four cents per acre on the town of Barton in the County of Orleans," which was read, whereupon resolved to concur in passing this bill. Ordered that the Secretary inform the House of the passage of the five bills last mentioned.

Rec^d. from the House the bill entitled "An act to repeal an act therein named," with an order of the House thereon that the same be referred to the Gen^l Committee, whereupon resolved to concur in said order of reference. Also "An act directing the Treasurer to pay Robert Temple the sum therein mentioned," with an order of the House thereon that the same be referred to the Military Committee, whereupon resolved to concur in said order of reference. Also the petition of Josiah Willard, with an order of the House thereon, that the same be referred to the committee of Claims, whereupon resolved to concur in said order of reference.

The House sent up the following resolution for concurrence to wit, "In General Assembly October 22^d. 1823. Resolved, the Governor and Council concurring herein, that the Committee of ways and means be directed to inquire into the propriety of appropriating the property of the Vermont State bank for the support of common Schools, and report by bill or otherwise," which was read, whereupon resolved to concur in passing this resolution.

The House sent up the following resolution for concurrence to wit, "In General Assembly October 22^d. 1823. Resolved that the military Committee be instructed to inquire into the expediency of passing a law prohibiting the officers of the staff from voting at an election of any field officer hereafter to be chosen within this state, and report by bill or otherwise," which was read, whereupon resolved to concur in passing this resolution. Adjourned to 2 Oclock P. M.

2 OCLOCK P. M.—The Governor and Council met pursuant to adjournment. Rec^d. from the House the bill entitled "An act directing the Treasurer to pay Jonathan Dike Jr. the sum therein named," with an order of the House thereon that the same be referred to the Committee of Claims, whereupon resolved to concur in said order of reference. Adjourned to 9 Oclock to morrow morning.

FRIDAY October 24th. 1823. 9 Oclock A. M.

The Governor and Council met pursuant to adjournment. On motion of Mr. Pratt, it was resolved by the Governor and Council that no bill should be passed, until twenty-four hours after its first reading in the Council, but that the same should lye on the table for twenty-four hours, unless sooner called up by some member.

Rec^d. from the House for revision and concurrence &c. the bill entitled "An act altering the name of Seneca White," which was read, whereupon resolved to concur in passing this bill.

Rec^d. from the House the bill entitled "An act to repeal a part of an act therein mentioned," which was read. Whereupon resolved to concur with the House in referring this bill to the Turnpike Committee.

Rec^d. the petition of Henry Thomas and others, with an order of the House thereon that the same be recommitted to the Military Committee, whereupon resolved to concur in said order of recommitment.

The House sent up the following resolution for concurrence to wit, "In General Assembly October 23, 1823. Resolved the Governor and

Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of making provision for recording executions in the several towns in this state, when the town Clerk is absent, or by sickness is rendered unable to perform that service, and report by bill or otherwise," which was read, whereupon resolved to concur in passing this resolution.

The House sent up the following resolution for concurrence to wit: "In General Assembly October 23, 1823. Resolved, the Governor and Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of revising and reducing into one the several acts relating to divorce, and report by bill or otherwise," which was read, whereupon resolved to concur in passing this resolution.

The petition of Russell Johnson, for pardon, was taken up, read and on motion of Mr. Stanley ordered to be dismissed.

The House sent up the following resolution for concurrence to wit: "In General Assembly October 23, 1823. Resolved, the Governor and Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of repealing all such parts and provisions of acts as limit or restrict the right of representation of the towns of Fairlee, West Fairlee, Andover, Weston, Fairhaven, Westhaven and Brookline and report by bill or otherwise," which was read, whereupon resolved to concur in passing this resolution.

The House sent up the following resolution for concurrence to wit: "In General Assembly Oct^r 23^d. 1823. Resolved, the Governor and Council concurring, that the Judiciary Committee be instructed to inquire into the expediency of providing by law that in all suits wherein personal property is or shall be taken by the direction of the Plaintiff, and final judgment shall be rendered against the plaintiff, the defendant shall, after the rendition of final judgment, be entitled to restitution of his property so taken without incurring the expense incident to the keeping of the property," which was read. Whereupon resolved to concur in passing this resolution.

A message was rec^d. from the House by one of its members, who returned the [bill] entitled "An act granting to John Niles the exclusive right of a ferry," and informed that the House have non concurred in the amendments proposed by the Governor and Council and request the Governor and Council to concur in passing said bill, and having assigned the reasons of the House he withdrew. Whereupon further amendments to said bill were proposed and adopted by the Gov^r and Council and the Gov^r and Council resolved to concur in passing said bill with said amendments and Mr. Wetmore was appointed, to assign reasons to the House.

Mr. Wetmore moved to reconsider the vote passing the bill entitled "An act restoring to Sylvanus Sayre, Timothy Wilmot, Oliver Taylor and Mills Olcott certain privileges therein mentioned," and the question being put, was carried in the affirmative, and said bill was ordered to lie on the table.

Rec^d. from the House the communication of his excellency the Gov^r of the 22^d. instant with the accompanying documents from the States of New York, Illinois, Georgia and Massachusetts, with an order of the House thereon that the same be referred to a Committee of 4 to join, and Mr. Langdon is appointed from Council. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment.

Rec^d. from the Speaker of the House a communication informing that the House have concurred in the amendment proposed by the Governor

and Council to the bill entitled "An act relating to the Narrows Bridge across Missisque river in Sheldon."

Received from the House the bill entitled "An act in addition to the acts defining the power of Justices of the peace within this state," with an order of the House thereon that the same be recommitted to the Judiciary Committee, whereupon resolved to concur in said order of recommitment.

Resumed the consideration of the bill entitled "An act to provide for reporting the decisions of the Supreme Court of Judicature." And on motion of Mr. Wetmore the same was amended and ordered to lie on the table. Adjourned to 9 O'clock to morrow morning.

SATURDAY October 25th, 1823. 9 o'clock A. M.

The Governor and Council met pursuant to adjournment.

Resumed the consideration of the bill entitled "An act relating to costs in cases on petitions for New Trials," and Mr. Langdon moved an amendment to the same which was adopted, whereupon resolved to concur in passing this bill with said proposed amendment and Mr. Langdon was appointed to assign reasons.

The House sent up the bill entitled "An act laying a tax of three cents per acre on the town of Sherburne in the County of Rutland," which was read, whereupon resolved to concur in passing this bill. Also "An act directing the Treasurer to pay Jonathan Cook the sum therein mentioned," which was read, whereupon resolved to concur in passing this bill. Also the bill entitled "An act in addition to and amendment of an act entitled an act regulating and governing the militia of this state passed Nov^r. 10th, 1818," with an order of the House thereon that the same be referred to the military committee, whereupon resolved to concur in said order. Also the petition of the inhabitants of Sheldon with an order of the House thereon that the same be recommitted to the land tax Committee, whereupon resolved to concur in said order of recommitment.

The House sent up the following for revision and concurrence to wit, "An act directing the Treasurer to pay the town of New Haven the sum therein mentioned," which was read, whereupon resolved to concur in passing this bill.

Resumed the consideration of the bill entitled "An act to provide for reporting the decisions of the Supreme Court of Judicature," and further amendments were proposed to the same which were adopted, whereupon resolved to concur in passing this bill with said proposed amendments and Mr. Wetmore was appointed to assign reasons to the House.

Rec^d from the Speaker of the House a communication informing that the House have concurred in the amendments proposed by the Governor and Council to the bill entitled "An act granting to John Niles the exclusive right of a ferry."

Mr. Langdon reported the following reasons for the amendment proposed to the bill entitled "An act relating to costs in cases on petitions for new trials," to wit, "1st. That by the existing statute relative to petitions preferred to the General Assembly the petitioner for a new trial, when he fails to obtain one, is made liable for the costs, to be taxed by the Clerk of the General Assembly, and upon nonpayment thereof an action of debt is given to the petitionee. The bill under consideration is intended to increase the liability and give accumulative costs or damages and may therefore be considered an additional act instead of

an independent one. 2^d. The bill under consideration gives a right of action to the petitioner in the case therein mentioned to recover full and ample compensation for all his trouble and expense: this leaves the sum which the petitioner is liable to pay, and the remedy to recover it, too uncertain; and places it out of the power of [a] petitioner to prevent an action without paying the arbitrary claim or demand of the petitioner. The proposed amendment supplies those defects and places it in the power of the petitioner to know the extent of his liability, so that he may discharge it without action by payment of double cost on the second petition, to be taxed by the Clerk as on the first." Which were read and adopted and the Secretary was ordered to return said bill and reasons to the House.

The House sent up the following bills for revision and concurrence &c. to wit: "An act laying a tax of two cents per acre on all the lands in the town of Jay," which was read, whereupon resolved to concur in passing this bill. Also "An act laying a tax of four cents per acre on the town of Franklin," which was read, whereupon resolved to concur in passing this bill. Also "An act laying a tax of four cents per acre on the town of Plymouth," which was read, whereupon resolved to concur in passing this bill. Also "An act restoring to Sylvanus Sayre, Timothy Wilmot, Oliver Taylor and Mills Olcott certain privileges therein mentioned," which was read, whereupon resolved to concur in passing this bill. Ordered that the Secretary inform the House of the passage of the seven before mentioned bills.

Rec^d. from the House the bill entitled "An act in addition to an act entitled an act reducing into one the several acts for laying out, making and clearing highways passed March 3^d. 1797," with an order of the House thereon that the same be recommitted to the military Committee, whereupon resolved to concur in said order.

The House sent up the following resolution for concurrence to wit, "In General Assembly October 24th. 1823, resolved that the literary Committee be instructed to inquire in what manner the act for collecting and perpetuating the records relative to the assumption and establishment of government in this State and such of the acts of the legislature as are not in print, has been carried into effect, and make report to this House," which was read, whereupon resolved to concur in passing this resolution. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment.

The House sent up the following for revision and concurrence &c. to wit, "An act granting to Alexander Campbell of Putney the right to enter an appeal from the report of the Commissioners on the estate of John Campbell deceased," which was read, whereupon resolved to non concur in passing this bill. And Mr. Wetmore was appointed to assign reasons, who reported the following, to wit, "The Governor and Council consider it inexpedient to pass the bill entitled "An act granting to Alexander Campbell of Putney the right to enter an appeal from the report of the Commissioners on the estate of John Campbell deceased," from a consideration that the act entitled an act in addition to an act entitled an act constituting the Supreme Court of Judicature and County Courts, defining their powers and regulating judicial proceedings passed Nov^r. 11th. 1822, makes full and ample provision for the said Alexander. And the Governor and Council are advised that the Supreme Court, in the construction of said act, have given it an effect and operation every way applicable to the case disclosed by the present petitioner," which reasons were read and adopted and the Secretary was ordered to return said bill and reasons to the House.

The House sent up for concurrence &c. the bill entitled "An act laying a tax of five cents per acre on the town of Highgate," which was read, whereupon resolved to concur in passing this bill, and the Secretary was directed to inform the House of the same. Adjourned to Monday next 9 O'clock A. M.

MONDAY October 27, 1823. 9 o'clock A. M.

The Governor and Council met pursuant to adjournment.

Resumed the consideration of the bill entitled "An act more effectually to prevent horse racing," which was read, whereupon resolved to concur in passing this bill.

Mr. Dana of C. moved to reconsider the vote to dismiss the petition of Jesse Brooks, a convict in the State prison, and the question being put, was determined in the affirmative; and it was ordered that said petition lie on the table.

The House sent up for revision and concurrence &c. the bill entitled "An act appropriating the rents and profits of certain public lands in the town of Jamaica," which was read, whereupon resolved to concur in passing this bill. Also "An act directing the Treasurer to pay Nicholas Guindon the sum therein mentioned," which was read, whereupon resolved to concur in passing this bill. Also "An act for the relief of Israel Hurlburt," which was read, whereupon resolved to concur in passing this bill. Also "An act directing the Treasurer of this state to suspend the issuing of an extent against the town of Lyndon for the time therein mentioned," which was read, whereupon resolved to concur in passing this bill. Ordered that the Secretary inform the House of the passage of the 5 last mentioned bills.

Rec^d from the House the bill entitled "An act directing the Treasurer to pay Joshua Y. Vail the sum therein mentioned," with an order of the House thereon that the same be referred to the Committee of Claims, whereupon resolved to concur in said order of reference. Also "An act restoring Asa Chamberlin to his legal privileges," with an order of the House thereon that the same be referred to the Committee of New trials, whereupon resolved to concur in said order of reference.

The House sent up the following resolution for concurrence to wit, "In General Assembly October 25th, 1823. Resolved, the Governor and Council concurring herein, that both houses meet in joint committee in the representatives' room on Wednesday next at two o'clock in the afternoon, for the purpose of electing three directors of the Vermont State Bank," which was read, whereupon resolved to concur in passing this resolution and the Secretary was ordered to inform the House of the same.

Rec^d from the House the bill entitled "An act providing for the location of school houses," with an order of the House thereon that the same be referred to the Judiciary Committee, whereupon resolved to concur in said order of reference. Also "An act in addition to an act entitled an act reducing into one the several acts for laying out and making, repairing and clearing highways," with an order of the House thereon that the same be referred to the Judiciary Committee, whereupon resolved to concur in said order of reference. Also "An act forming a new town out of the towns of Bakersfield, Belvidere and Coit's Gore in the County of Franklin, by the name of Waterville," with an order of the House thereon, that the same be recommitted to the committee raised on the petition of Amos Churchill and others, whereupon resolved to concur in said order of recommitment.

The House sent up the following resolution for concurrence to wit, "In General Assembly October 25th, 1823. Resolved, the Governor and Council concurring, that the Judiciary Committee be instructed to inquire into the expediency of repealing the act of 1821 relating to the jurisdiction of Justices of the peace, so far as said act prevents appeals from the judgment of Justices, when the sum demanded does not exceed the sum of ten dollars," which was read, whereupon resolved to concur in passing this resolution.

The House sent up the following resolution for concurrence to wit, "In General Assembly October 25, 1823. Resolved, the Governor and Council concurring herein, that the General Committee be directed to inquire into the expediency of altering the sum at which the poll is now set in the grand list, and report by bill or otherwise," which was read, whereupon resolved to concur in passing this resolution. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment. Received from the House the bill entitled "An act to extend the provisions of an act therein mentioned," with an order of the House thereon that the same be referred to the Judiciary Committee, whereupon resolved to concur in said order of reference. Adjourned to 9 O'clock to morrow morning.

TUESDAY October 28th, 1823. 9 O'clock A. M.

The Governor and Council met pursuant to adjournment. The House sent up for revision and concurrence &c. the bill entitled "An act for the removal of William C. Lee to the state prison," which was read, whereupon resolved to concur in passing this bill. Also "An act directing the Treasurer to pay Jonathan Dike Jun^r the sum therein mentioned," which was read, whereupon resolved to concur in passing this bill. Also "An act directing the Treasurer of this State to pay Benjamin Brock the sum therein mentioned," which was read, whereupon resolved to concur in passing this bill. Ordered that the Secretary inform the House of the passage of the three bills last mentioned.

Rec^d from the House the bill entitled "An act in amendment to an act entitled an act annexing a part of Waitsfield to the town of Northfield," with an order of the House thereon that the same be referred to the Committee raised on the petition of Amos Churchill and others, whereupon resolved to concur in said order of reference.

A message was rec^d from the House, by Mr. Chase [one] of its members, informing that the House have concurred in the first amendment proposed by the Governor and Council to the bill entitled "An act relating to costs in cases on petitions for new trials," and that they have non[con]curred in the second amendment proposed to said bill; and he assigned the reasons of the House and withdrew. On motion of Mr. Wetmore, voted to rescind from the 2^d proposed amendment, and the bill was committed to Mr. Wetmore for further amendment.

Received from the House the bill entitled "An act granting to Alexander Campbell of Putney the right to enter an appeal from the report of the commissioners on the estate of John Campbell deceased," with an order of the House thereon that the same be recommitted to the Committee of new trials, whereupon resolved to concur in said order of recommitment. Also, "An act annexing the town of Newark in the County of Essex to the County of Caledonia," with an order of the House thereon that the same be referred [to the] Judiciary Committee; whereupon resolved to concur in said order of reference. Also "An act

relating to the duty of listers," with an order of the House thereon that the same be referred to the Judiciary Committee, whereupon resolved to concur in said order of reference. Also, "An act establishing the law of the road," with an order of the House thereon that the same be referred to the turnpike committee, whereupon resolved to concur in said order of reference. Also "An act directing the Treasurer to pay John Lumbar the sum therein mentioned," with an order of the House thereon that the same be referred to the Committee of Claims, whereupon resolved to concur in said order of reference.

The House sent up the following resolution for concurrence to wit, "In General Assembly October 27th, 1823. Resolved, the Governor and Council concurring herein, that the Committee of ways and means be instructed to inquire into the expediency of providing by law for taxing sheep, and report by bill or otherwise," which was read, whereupon resolved to concur in passing this resolution.

The House sent up the following resolution for concurrence to wit, "In General Assembly October 27th, 1823. Resolved, the Governor and Council concurring herein, that the General Committee be instructed to inquire into the expediency of providing by law for taxing steamboat stock and also the stock of the wharf and store houses at Burlington and to report by bill or otherwise," which was read, whereupon resolved to concur in passing this resolution. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M. —The Governor and Council met pursuant to adjournment. Resumed the consideration of the bill entitled "An act relating to costs in cases on petitions for new trials." Mr. Wetmore proposed an amendment to the same which was read and adopted, whereupon resolved to concur in passing this bill, with said proposed amendment, and Mr. Wetmore was appointed to assign reasons to the House.

The petition of Jesse Brooks, a convict in the state prison, was called up, read and the question put "Shall the said Jesse Brooks be discharged from his said confinement," which was determined in the affirmative — yeas 8, nays 4. Those who voted in the affirmative are Messrs. Butler, Chittenden, Dana of C. Holley, Langdon, Pratt, Proctor and Stanley. Those who voted in the negative are Messrs. Leland, Berry, Dana of O. and Wetmore.

Mr. Butler moved to reconsider the vote to dismiss the petition of Jacob Spencer for pardon, which was determined in the negative.

Resumed the consideration of the bill entitled "An act in addition to an act entitled an act relating to Jails and Jailers and for the relief of persons imprisoned therein," and after some discussion the same was ordered to lie on the table. Adjourned to 9 O'clock to morrow.

WEDNESDAY October 29, 1823. 9 O'clock A. M.

The Governor and Council met pursuant to adjournment. Resumed the consideration of the bill entitled "An act in addition to an act entitled an act relating to Jails and Jailers and for the relief of persons imprisoned therein." Mr. Wetmore moved to reconsider the vote adopting an amendment to said bill, which was determined in the affirmative and on motion the said bill was committed to Messrs. Dana of C. Langdon and Butler for amendment.

Received from the Speaker of the House a communication informing that the House have concurred in the amendments proposed by the Governor and Council to the following bills to wit, "An act to provide

for reporting the decisions of the Supreme Court of Judicature." Also "An act in addition to an act entitled an act relative to costs in cases on petitions for new trials."

Rec^d from the House the following resolution to wit, "In General Assembly October 28th 1823. Resolved that the Clerk of this House be and he is hereby directed to cause a copy of the grand list to be printed with the Journal of the General Assembly only once in three years, and that in those years in which there shall have been a new valuation of the real estate; the first publication to be made in the year 1824 when the next assessment of the real estate will be taken," with an order of the House thereon, that the same be referred to the Committee of ways and means, whereupon resolved to concur in said order of reference.

The House sent up the following resolution for concurrence to wit, "In General Assembly Oct^r 21st 1823. Resolved, that the Committee of ways and means be instructed to inquire into the expediency of fixing a sum by law that shall be paid for printing the grand list in each year," which was read, whereupon resolved to concur in passing said resolution.

Resumed the consideration of the report of the Committee of manufactures, and the same was on motion committed to Mr. Langdon for amendment.

Received from the House the bill entitled "An act directing the Treasurer of this state to pay Ephraim Ingham jr. the sum therein mentioned," with an order of the House thereon that the same be referred to the Committee of Claims, whereupon resolved to concur in said order of reference. Also, "An act repealing a part of a certain act therein mentioned," with an order of the House thereon that the same be referred to the Judiciary Committee, whereupon resolved to concur in said order of reference. Also "An act regulating the toll of one horse wagons at the West river bridges in Dummerston and Brattleboro in the County of Windham," with an order of the House thereon that the same be referred to the turnpike Committee, whereupon resolved to concur in said order of reference. Also "An act in addition to and explanatory of an act annexing a part of Avery's Gore and a part of Athens to the town of Grafton, passed October 30th 1816," with an order of the House thereon that the same be referred to the Judiciary Committee, whereupon resolved to concur in said order of reference. Also "An act constituting an Artillery Company in the town of Northfield," with an order of the House thereon that the same be referred to the military Committee, whereupon resolved to concur in said order of reference. Also "a communication from the auditor of accounts against the state," with an order of the House thereon that the same be referred to the Committee of ways and means.¹

The House sent up for revision and concurrence &c. the bill entitled "An act increasing the number of trustees of the University of Vermont," which was read, whereupon resolved to concur in passing this bill. Also "An act authorising the Quarter Master Gen^l to loan arms to Captain Alden Partridge," which was read, whereupon resolved to concur in passing this bill. Received from the House for revision and concurrence &c. the bill entitled "An act to incorporate an aqueduct Company in the village of Montpelier," which was read, whereupon resolved to concur in passing this bill. Also "An act establishing an independent light infantry Company in the town of Burlington in the County of Chittenden," which was read, whereupon resolved to concur in passing this bill. Also, "An act establishing a corporation by the

¹ Reference doubtless concurred in.

name of the Jamaica turnpike Company," which was read, whereupon resolved to concur in passing this bill. Also "An act laying a tax of three cents per acre on the town of Brunswick in the County of Essex," which was read, whereupon resolved to concur in passing this bill. Also "An act to regulate the inspection of provisions intended for exportation from this state," which was read, whereupon resolved to concur in passing this bill. Ordered that the Secretary inform the House of the passage of the seven last mentioned bills.

Received from the House for concurrence and revision or proposals of amendment the bill entitled "An act authorising the Quarter Master General to loan a certain number of arms therein mentioned," which was read, and an amendment proposed which was adopted, whereupon resolved to concur in passing this bill with said proposed amendment. And Mr. Berry was appointed to assign reasons for said proposed amendment, who reports the following to wit, "It is inexpedient by dividing to lessen the responsibility and consequently the security which is now reposed in the department of the Quarter Master General, or to divert for the purposes of an armory the rooms appurtenant to the halls of legislation." Which were read and adopted and Ordered that the Secretary return said bill and reasons to the House and request their concurrence.

Received from the House for revision or concurrence or proposals of amendment, the bill entitled "An act in addition to and amendment of an act regulating and governing the militia of this state, passed November 10th, 1818," which was read and an amendment proposed to the same which was adopted, whereupon resolved to concur in passing this bill [with] said proposed amendment, and the Secretary was ordered to report reasons for said amendment, who reported the following to wit, "That it is desirable to consolidate bills upon the same subject as much as practicable. The amendment proposed embraces the provision contained in a bill entitled an act in addition to an act entitled an act regulating and governing the militia of this state, and the several acts in amendment of and in addition thereto, and the Governor and Council can see no objection to, but a manifest propriety in, embodying the amendment into this bill." Which was read and adopted and the Secretary was ordered to return said bill and reasons to the House and request their concurrence.

Rec^d from the House for revision and concurrence &c. "An act to preserve the fish in Otter Creek," which was read, whereupon resolved to concur in passing this bill. Ordered that the Secretary inform the House accordingly.

Received from the House for revision and concurrence &c. to wit, "An act in addition to an act entitled an act regulating and governing the militia of this state and the several acts in amendment of and in addition thereto," which was read, whereupon resolved to non concur in passing this bill. And the Secretary was ordered to report reasons for the same, who reported the following to wit: "That the provision contained in this bill is proposed as an amendment to the bill entitled An act in addition to and amendment of an act regulating and governing the militia of this state, passed Nov^r. 10th, 1818," which was read and adopted and the Sec^y was ordered to return said bill and reasons to the House.

Rec^d from the House for revision and concurrence &c. the bill entitled "An act to authorise the guardian of Frederick White to sell and convey the real estate of his ward," which was read, whereupon resolved to non concur in passing this bill, and Mr. Butler is appointed to assign reasons, who reported the following to wit: "That full and adequate provision is made in and by the act of this state entitled 'an act to au-

thorise the Supreme Court to empower guardians to sell the real estate of their wards,' passed Feb^y 6th, 1804, to remedy the evil and give relief in the case contemplated in this bill, and therefore ought not to be the subject of legislation;" which were read and adopted and ordered that the Secretary return the bill and said reasons to the House. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment. Resumed the consideration of the bill entitled "An act laying a tax of four cents on each acre of land in the town of Westford," which was read, whereupon resolved to non concur in passing this bill. And Mr. Holley is appointed to assign reasons, who reported the following to wit: "That the town of Westford is settled to a considerable extent and the petition purporting to have been signed by more than one half of the land owners in said town, the most of which reside in said town, no notice has been given to the nonresident proprietors of said town. And that a proprietor and agent of a large portion of the unsettled lands in said town having, as he states to the Governor and Council, made propositions relative to the mode of imposing a tax on said town, which he considered equitable, feels injured by the bill, in not having had an opportunity to be heard before the land tax Committee;" which were read and adopted and the Secretary was ordered to return said bill and reasons to the House.

The Governor and Council attended in the representatives' room for the purpose of electing Directors of the Vermont State bank, after which they returned to their Chamber.¹

Adjourned to 9 o'clock to morrow morning.

THURSDAY October 30th, 1823. 9 O'clock A. M.

The Governor and Council met pursuant to adjournment.

Received from the House for revision and concurrence &c. the bill entitled "An act altering the name of John Lynde to that of John Stewart Lynde," which was read, whereupon resolved to concur in passing this bill. Also "An act granting a tax upon the County of Grand Isle," which was read, whereupon resolved to concur in passing this bill. Also, "An act assessing a tax of four cents per acre on the town of Sheldon," which was read, whereupon resolved to concur in passing this bill. Also "An act for the relief of the town of Reading," which was read, whereupon resolved to concur in passing this bill. Ordered that the Secretary inform the House of the passage of the 4 bills last mentioned.

Received from the House the bill entitled "An act assessing a tax on the County of Orange," with an order of the House thereon that the same be referred to the members of Orange County to join, and Mr. Dana of O. is appointed from Council.

Received from the House the bill entitled "An act in addition to an act entitled an act ascertaining the principles on which the list of this state shall be made and directing listers in their duties and office," with an order of the House thereon that the same be referred to the General Committee, whereupon resolved to concur in said order of reference. Also "An act directing the Treasurer to pay Charles Hall the sum therein mentioned," with an order of the House thereon that the same be referred to the Committee of Claims, whereupon resolved to concur in said order of reference. Also, "An act directing the Treasurer to

¹ John Jackson, Benjamin Swan, and Job Lyman were elected.

pay Bingham Lasel the sum therein mentioned," with an order of the House thereon that the same be referred to the Committee of Claims, whereupon resolved to concur in said order of reference. Also the petition of Leonard Deming, with an order of the House thereon that the same be referred to the Committee of New trials, whereupon resolved to concur in said order.¹

The House sent up the following resolution for concurrence to wit : "In General Assembly Oct^r 29, 1823. Resolved, the Governor and Council concurring herein, that the General Committee be directed to inquire into the expediency of providing by law, that in future the electors of President and vice President of the United States, in this state, shall be chosen by the people, and that they have leave to report by bill or otherwise," which was read, whereupon resolved to concur in passing this resolution.

The House sent up the following resolution for concurrence to wit : "In General Assembly October 21, 1823. Resolved, the Governor and Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of authorising the several Clerks of the Supreme Court to sign writs of error, and report by bill or otherwise," which was read, whereupon resolved to concur in passing this resolution.

Resumed the consideration of the bill entitled "An act in addition to the several acts defining the powers of Justices of the peace within this state," which was read and amendments were proposed to the same which were adopted, whereupon resolved to concur in passing this bill with said proposed amendments and M^r. Butler is appointed to assign reasons to the House. Also "An act in addition to an act entitled an act constituting Probate courts and defining their powers and regulating the settlement of testate and intestate estates and the guardianship of minors and insane persons," which was read, whereupon resolved to concur in passing this bill. Ordered that the Secretary inform the House accordingly.

Rec^d from the House for revision and concurrence or proposals of amendment the bill entitled "An act in addition to an act entitled an act relating to jails and jailers and for the relief of persons imprisoned therein," which was read and amendments were proposed to the same which were adopted, whereupon resolved to concur in passing this bill with said proposed amendments and M^r. Butler is appointed to assign reasons to the House. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment. The petition of Ira Harrington for pardon was called up and read and on motion of his Honor the Lieutenant Governor was ordered to be dismissed. Adjourned to 9 O'clock to morrow morning.

FRIDAY October 31st 1823. 9 O'clock A. M.

The Governor and Council met pursuant to adjournment. Resumed the consideration of the bill entitled "An act establishing the Brookfield

¹ This case, originating in a very small judgment against Mr. Deming, came before the legislature year after year, and was the occasion of a large amount of legislative and other literature. To this case the public are primarily indebted for Deming's well known Catalogue of Vermont Officers, he having used the time of his waiting upon the legislature, in what was called "the hen's egg case," to gather the materials for that useful work.

Rifle Company," which was read, whereupon resolved to concur in passing this bill. Also "An act directing the Treasurer to pay Joshua Y. Vail the sum therein mentioned," which was read, whereupon resolved to concur in passing this bill. Also "An act laying a tax of two cents per acre on Avery's Gore in the County of Franklin," which was read, whereupon resolved to concur in passing this bill. Also "An act restoring Asa Chamberlin to his legal privileges," which was read, whereupon resolved to concur in passing this bill. Also "An act laying a tax on the County of Windsor," which was read, whereupon resolved to concur in passing this bill. Ordered that the Secretary inform the House of the passage of the five bills last mentioned.

Received from the House the bill entitled "An act directing the Treasurer to pay Robert Temple the sum therein mentioned," with an order of the House thereon that the same be recommitted to the Military Committee, whereupon resolved to concur in said order of recommitment. Also "An act designating a place for erecting the County buildings in the County of Orange," with an order of the House thereon that the same be referred to the members of Orange County to join, and Mr. Dana of O. was appointed from Council.

Received from the House the following resolution to wit, "In General Assembly October 30th. 1823. Resolved, the Governor and Council concurring herein, that the Quarter Master General be authorised to negotiate with the officers of the United States ordnance department or such other person or persons as he may think proper, for a gun carriage, caisson and harness, complete for mounting a six pounder of the United States modern pattern, if in his judgment it will be conducive to the public good, and that a sum not exceeding three hundred dollars be subject to the order of the Governor, for that purpose, out of any money in the Treasury not otherwise appropriated," with an order of the House thereon that the same be referred to the Military Committee, whereupon resolved to concur in said order of reference. Also a bill entitled "An act for the encouragement of agriculture," with an order of the House thereon that the same be referred to the Committee of agriculture, whereupon resolved to concur in said order of reference. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment. A message was received from the House by Mr. Chase, one of its members, informing that the House had repassed the bill entitled "An act to authorise the Guardian of Frederick White to sell and convey the real estate of his ward," and after assigning the reasons of the House for the same, he withdrew. Whereupon the Governor and Council resolved to concur in passing this bill and the Secretary was ordered to inform the House accordingly.

Resumed the consideration of the report of the Committee on manufactures, and Mr. Langdon, to whom the same was committed for amendment, reported amendments which were read and adopted, whereupon resolved to concur in passing the report and resolutions with said amendments. Adjourned to 9 O'clock to morrow morning.

SATURDAY Nov^r. 1, 1823.

The Governor and Council met pursuant to adjournment. The House sent up the following resolution for concurrence to wit, "In General Assembly October 31st. 1823. Resolved, the Governor and Council concurring herein, that the two houses meet in Joint Committee in the representatives' room on Saturday next at two O'clock in the afternoon, for

the purpose of electing ten Trustees of the University of Vermont, and a Surveyor General of this state," [vice Alden Partridge declined,] which was read, whereupon resolved to concur in passing this resolution and the Secretary was ordered to inform the House accordingly.

Received from the House the bill entitled "An act in addition to an act providing for the relief and support of poor persons, who may hereafter be confined in jail and having no legal settlement in this state, passed November 16th, 1821," with an order of the House thereon that the same be referred to the Judiciary Committee, whereupon resolved to concur in said order of reference. Also "An act relating to convictions before Justices of the peace." Also "An act in addition to an act entitled an act in addition to an act entitled an act constituting the Supreme Court of Judicature and County Courts, defining their powers and regulating judicial proceedings, passed Nov^r. 8th, 1797." Also "An act directing the Treasurer to pay Nathaniel Wheatley the sum therein mentioned," with an order of the House on each that the same be referred to the Judiciary Committee, whereupon resolved to concur in said orders of reference.

Received from the House the bill entitled "An act to repeal an act therein mentioned," with an order of the House thereon that the same be referred to the General Committee; whereupon resolved to concur in said order of reference.

Rec^d from the House the bill entitled "An act directing the Treasurer to pay John Loveland the sum therein mentioned," which was read, whereupon resolved to concur in passing this bill. The House sent up for revision and concurrence &c. the bill entitled "An act in addition to an act entitled an act laying a tax of six cents on the acre in the town of Braintree, passed Nov^r. 12th, 1821," which was read, whereupon resolved to concur in passing this bill. Also "An act granting to Alexander Campbell of Putney the right to enter an appeal from the report of the Commissioners on the estate of John Campbell deceased," which was read, whereupon resolved to concur in passing this bill. Also "An act altering the name of Cyrus Cogswell to that of Cyrus Cogswell Blossom," which was read, whereupon resolved to concur in passing this bill. Ordered that the Secretary inform the House of the passage of the 4 bills last mentioned. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment. A message was received from the House by Mr. Mattocks one of its members, informing that the House had concurred in the first amendment proposed by the Governor and Council to the bill entitled "An act in addition to the several acts defining the powers of Justices of the peace within this state," and that the House had nonconcurring in the 2^d proposed amendment, and after assigning the reasons of the house he withdrew. Whereupon the Governor and Council resolved to rescind from their 2^d proposed amendment, and to concur in passing this bill, and the Sec^y was ordered to inform the House accordingly.

Agreeably to the concurrent resolution of both houses the Governor and Council met the General Assembly in the representatives' room and elected trustees of the University of Vermont and a Surveyor General.¹

Resumed the consideration of the bill entitled "An act forming a new town out of the towns of Bakersfield, Belvidere and Coit's Gore in the

¹ Jonas Galusha, Robert Pierpoint, Horace Everett, Rev. Otto S. Hoyt, Samuel Prentiss, Joseph D. Farnsworth, Charles Adams, Salma Hale, Isaac Fletcher, and Samuel C. Allen were elected Trustees; and Calvin C. Waller, Surveyor General vice Alden Partridge declined.

County of Franklin," which was read, whereupon resolved not to concur in passing this bill, and Mr. Langdon was appointed to assign reasons, who reported reasons which were read and accepted and the Secretary was ordered to return said bill and reasons to the House. Adjourned to Monday next 9 O'clock A. M.

MONDAY Nov^r 3, 1823. 9 O'clock A. M.

The Governor and Council met pursuant to adjournment. Resumed the consideration of the bill entitled "An act incorporating the Windsor Manufacturing Company," which was read, whereupon resolved to concur in passing this bill. Also "An act relating to the duty of Listers," which was read, whereupon resolved to concur in passing this bill. Also "An act in amendment to an act entitled an act annexing a part of Waitsfield to the town of Northfield," which was read, whereupon resolved to concur in passing this bill. Ordered that the Secretary inform the House of the passage of the three bills last mentioned.

The House sent up for concurrence the report and resolution of the select Committee raised upon the resolution of Mr. Farnsworth of the 15th of October last, upon the subject of the several rights of land in this state granted for the benefit of the Society for propagating the gospel in foreign parts, which were read, whereupon resolved to concur in passing the same.

The House sent up the following resolution for concurrence to wit, "In General Assembly October 25th 1823. Resolved, the Governor and Council concurring herein, that it is inexpedient to grant any charters for banks at the present session of the legislature," which was read, whereupon resolved to concur in passing this resolution and the Secretary was ordered to inform the House accordingly.

The House sent up for revision and concurrence &c. the bill entitled "An act annexing the town of Newark in the County of Essex to the County of Caledonia," which was read, whereupon resolved not to concur in passing this bill and Mr. Berry is appointed to assign reasons to the House, who reported the following reasons which were read and adopted and the Secretary was ordered to return said bill and reasons to the House.¹

The petition of Alfred Prentiss, a convict in the state prison, was taken up, read and the question put "Shall the said Alfred Prentiss be discharged from his said confinement," which was determined in the affirmative—yeas 9, nays 3. Those who voted in the affirmative are Messrs. Leland, Butler, Chittenden, Dana of C. Holley, Langdon, Pratt, Proctor and Stanley. Those who voted in the negative are Messrs. Berry, Dana of O. and Wetmore. The petition of Ira Harrington, a convict in the state prison, was taken up, read and the question put "Shall the said Ira Harrington be discharged from his said confinement," which was determined in the affirmative—yeas 10, nays 2. Those who voted in the affirmative are Messrs. Leland, Butler, Chittenden, Dana of C. Holley, Langdon, Pratt, Proctor, Stanley and Wetmore. Those who voted in the negative are Messrs. Berry and Dana of O.

Rec^d from the House a bill entitled "An act discharging Elias Hall from imprisonment," with an order of the House thereon that the same be referred to the Judiciary Committee, whereupon resolved to concur in said order of reference.

The House sent up for revision and concurrence &c. the bill entitled

¹ The reasons were not entered upon the journal of either house.

"An act directing the Treasurer to pay Bingham Lasel the sum therein mentioned," which was read, whereupon resolved to concur in passing this bill. Also the bill entitled "An act laying a tax for the support of government," which was read, whereupon resolved to concur in passing this bill. Also "An act making the necessary appropriations for the support of government the present year and for other purposes," which was read, whereupon resolved to concur in passing this bill. Ordered that the Secretary inform the House of the passage of the three bills last mentioned. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M. — The Governor and Council met pursuant to adjournment. Received from the Speaker of the House a Communication, informing that the House had concurred in the amendments proposed to the joint resolutions upon the subject of manufactures.¹

Resumed the consideration of the bill entitled "An act assessing a tax on the County of Essex," whereupon resolved to concur in passing this bill. Also "An act constituting a Company of Artillery in the town of Northfield," which was read, whereupon resolved to concur in passing this bill. Also "An act appointing a collector in the town of Johnson," which was read, whereupon resolved to concur in passing this bill. Also "An act laying a tax of three cents per acre on the town of Belvidere," which was read, whereupon resolved to concur in passing this bill. Also "An act regulating the toll of one horse waggons at the West river bridges in Dummerston and Brattleboro in the County of Windham," which was read, whereupon resolved to concur in passing this bill. Also "An act for the relief of Isaac Kimball administrator of the estate of Samuel Barber deceased," which was read, whereupon resolved to concur in passing this bill. Ordered that the Secretary inform the House of the concurrence of the Gov^r and Council in the passage of the six bills last mentioned.

Resumed the consideration of the bill entitled "An act relating to bills of divorce," which was read and on motion committed to Messrs. Langdon and Wetmore for amendment. Adjourned to 9 O'clock to morrow morning.

TUESDAY Nov^r 4th 1823. 9 O'clock A. M.

The Governor and Council met pursuant to adjournment. Resumed the consideration of the bill entitled "An act altering the times of holding the Supreme Court in the Counties therein named," which was read, whereupon resolved to concur in passing this bill. Also "An act in addition to an act for the punishment of certain capital crimes and other high misdemeanors," which was read, whereupon resolved to concur in passing this bill. Also "An act directing the Treasurer to pay Daniel G. Huntington and Seth J. Hitchcock the sum therein mentioned," which was read, whereupon resolved to concur in passing this bill. Ordered that the Secretary inform the House of the passage of the three bills last mentioned.

A message was rec^d from the House by Mr. Hibbard, one of its members, informing that the House had repassed the bill entitled "An act annexing the town of Newark in the County of Essex to the County of Caledonia," and after assigning the reasons of the House for the same

¹ These resolutions instructed the Vermont delegation in Congress to support all lawful measures for the encouragement and protection of manufactures; and the delegation did aid the tariff of 1824, under the lead of Rollin C. Mallary.

he withdrew. Whereupon amendments were proposed to said bill and adopted and it was resolved to concur in passing said bill with said proposed amendments and M^r Wetmore is appointed to assign reasons to the House.

A message was rec^d from the House by M^r Hunt, one of its members, informing that the House had repassed the bill entitled "An act forming a new town out of the towns of Bakersfield, Belvidere and Coit's Gore in the County of Franklin," and after assigning the reasons of the House he withdrew.

Rec^d from the House the bill entitled "An act laying a tax of four cents on each acre of land in the town of Westford," with an order of the House thereon that the same be recommitted to the land tax Committee, whereupon resolved to concur in said order. Also the bill entitled "An act in addition to an act ascertaining the principles on which the list of this state shall be made and directing the listers in their office and duty," with an order of the House thereon that the same be recommitted to the Committee of ways and means, whereupon resolved to concur in said order.

The House sent up for concurrence the resolution to authorize the Quartermaster General to purchase a gun carriage and caisson and appropriating a sum not exceeding three hundred dollars for that purpose, which was read, whereupon resolved to concur in passing this resolution. Ordered that the Secretary inform the House accordingly.

Rec^d the report of the Committee on that part of his Excellency's Speech which relates to the deaf and dumb, with an order of the House thereon that the same be recommitted to the Committee who reported it, whereupon resolved to concur in said order. Also "An act in addition to an act directing the listers in their office and duty," with an order of the House thereon that the same be recommitted to the Committee of ways and means, whereupon resolved to concur in said order. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment. Resumed the consideration of the bill entitled "An act incorporating the East bay navigation Company," which was read, whereupon resolved to Concur in passing this bill, and the Secretary was ordered to inform the House accordingly.

Resumed the consideration of the bill entitled "An act directing the Treasurer of this state to pay Jonathan Fassett the sum therein mentioned," which was read, whereupon resolved not to concur in passing this bill and M^r Langdon is appointed to assign reasons, who reported the same instantler and they were adopted, and the Secretary was ordered to return said bill and reasons to the House. Adjourned to 9 O'clock to morrow morning.

WEDNESDAY Nov^r 5th. 1823. 9 O'clock A. M.

The Governor and Council met pursuant to adjournment. Resumed the consideration of the bill entitled "An act directing the Treasurer to pay Robert Temple the sum therein mentioned," which was read, whereupon resolved to concur in passing this bill. Also "An act directing the Treasurer to pay Nathaniel Wheatly Jun^r the sum therein mentioned," which was read, whereupon resolved to concur in passing this bill. Also "An act establishing an academy at Concord in the County of Essex," which was read, whereupon resolved to concur in passing this bill. Ordered that the Secretary inform the House of the passage of the three bills last mentioned.

Rec^d from the House the bill entitled "An act in addition to an act entitled an act ascertaining the principles on which the list of this state shall be made and directing listers in their duties and office," with an order of the House thereon that the same be recommitted to the General Committee, whereupon resolved to Concur in said order of recommitment.

The House sent up for revision and concurrence &c. "the Report of the committee raised on the Communications and resolutions from Massachusetts, New York and Georgia," [covering the dissent of those states to the amendment to the Federal Constitution proposed by Pennsylvania, limiting national banks to the District of Columbia—to which Vermont had previously dissented,] which was read, whereupon resolved to concur in passing the same and the Secretary was ordered to notify the House accordingly.

The House sent up the following resolution for concurrence to wit, "In General Assembly Nov^r 4th, 1823. Resolved, the Governor and Council concurring herein, that both houses meet in Joint Committee in the representatives' room at ten O'clock to morrow morning for the purpose of electing a Major General of the first division and Brigadier Generals of the first, second and third brigades in said first division of militia of this state," which was read and an amendment proposed to the same which was adopted, whereupon resolved to concur in passing this resolution with said proposed amendment and the Sec'y was ordered to inform the House accordingly.

The Petition of William Freeman for pardon was taken up, read and on motion of the Lieut. Governor, ordered to be dismissed.

Resumed the consideration of the bill entitled "An act relating to bills of divorce," and Mr. Langdon reported amendments to the same, which were read and adopted, whereupon resolved to concur in passing this bill with said proposed amendments and reasons were assigned in writing and the Secretary was ordered to return said bill and reasons to the House. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment. A message was received from the House by Mr. Pierpoint, one of its members, informing that the House had nonconferred in the amendments proposed by the Governor and Council to the bill entitled "An act annexing the town of Newark in the County of Essex to the County of Caledonia," and that the House had repassed said bill, and after assigning the reasons of the House he withdrew. Whereupon the Governor and Council resolved to suspend the passing of this bill until the next session of the legislature, and the Secretary was ordered to inform the House accordingly.

Resumed the consideration of the bill entitled "An act in addition to an act entitled an act regulating town meetings and the choice and duty of town officers, passed Feb^y 28th, 1797," which was read, whereupon resolved to concur in passing this bill. Also "An act laying a tax of three cents per acre on the town of Westford," which was read, whereupon Resolved to concur in passing this bill. Also "An act making provision for settling the concerns of the Vermont State Bank," which was read, whereupon resolved to concur in passing this bill. Ordered that the Secretary inform the House of the passage of the three bills last mentioned. Adjourned to 9 O'clock to morrow morning.

THURSDAY NOV^r. 6th. 1823. 9 Oclock A. M.

The Governor and Council met pursuant to adjournment. Rec^d. from the Speaker of the House of Representatives a communication informing that the House had concurred in the amendment proposed to the joint resolution appointing a time for the two houses to meet in Joint Committee for the choice of a Major General of the first division and Brigadier Generals for said division.

Resumed the consideration of the bill entitled "An act forming a new town out of the towns of Bakersfield, Belvidere and Coit's Gore in the County of Franklin." Amendments were proposed to the same which were read and adopted, whereupon resolved to concur in passing this bill with said proposed amendments and reasons were reported in writing which were read and adopted, whereupon Ordered that the Secretary return said bill and reasons to the House.

A message was received from the House by Mr. Chase, one of its members, informing that the House had repassed the bill entitled "An act directing the Treasurer to pay Jonathan Fassett the sum therein mentioned," and after assigning the reasons of the House for the same he withdrew.

The House sent up the following resolution for concurrence to wit: "In General Assembly October 25th. 1823. Resolved, the Governor and Council concurring herein, that both Houses meet in the representatives' room on Friday the seventh of November next [inst.] at seven Oclock A. M. for the purpose of adjourning both houses without day," which was read, whereupon resolved to concur in passing this resolution and the Secretary was ordered to notify the House accordingly.

Received from the House the communication of the Secretary of State, relating to the "Vermont State papers," and the report and resolution of the committee appointed thereon, which were read, whereupon resolved to concur in passing said Resolution and the Secretary was ordered to inform the House accordingly.¹

The Governor and Council proceeded to elect a Surveyor of the public buildings for the year ensuing, and the ballots being taken, sorted and counted, Joshua Y. Vail Esquire was declared duly elected. Adjourned to 2 Oclock P. M.

2 OCLOCK P. M.—The Governor and Council met pursuant to adjournment. The Governor and Council attended in the representatives' room and together with the General Assembly elected [Lyman Mower] a Major General of the first division of the militia of this state and [Jonathan Smith, John Perkins, and John Francis] Brigadier Generals for the first, second and third Brigades in said first division, after which the Governor and Council returned to their Chamber.

Resumed the consideration of the bill entitled "An act directing the Treasurer to pay Jonathan Fassett the sum therein mentioned," which was read, and Mr. Butler proposed the following amendments to said bill, to wit: Strike out the words "Jonathan Fassett" in the title of the bill. Also strike out the words "Jonathan Fassett" in the enacting part of the bill. And the question being put upon the adoption of said amendments, the Council were equally divided, whereupon his excellency gave the casting vote in favour of said amendments and the same were adopted, whereupon Resolved to concur in passing this bill with

¹ The Secretary of State announced that fifty copies of what is now known as Slade's Vermont State Papers, had been deposited in his office, and the resolution provided for their distribution.

said proposed amendments and reasons being assigned in writing the Secretary was ordered to return said bill and reasons to the House.

The House sent up for revision and concurrence &c. the bill entitled "An act laying a tax of three cents per acre on the lands in the town of Newport," which was read, whereupon resolved to concur in passing this bill. Also "An act in addition to an act entitled an act to provide for reporting the decisions of the Supreme Court of Judicature," which was read, whereupon resolved to concur in passing this bill. Also "An act in addition to the several acts directing the mode of attaching real estate," which was read, whereupon Resolved to concur in passing this bill. Ordered that the Secretary inform the House of the passage of the three bills last mentioned.

His Excellency the Governor, by and with the advice of the Council, was pleased to appoint Charles Adams Esquire, of Burlington, to be Reporter of the decisions of the Supreme Court of Judicature, for the year ensuing.

The House sent up for revision and concurrence &c. the bill entitled "An act granting a tax of four cents per acre on the town of Woodford in the County of Bennington," which was read, whereupon Resolved to concur in passing this bill. Also "An act repealing an act therein mentioned," which was read, whereupon resolved to concur in passing this bill. Also "An act directing the Treasurer to pay the town of Danville the sum therein mentioned," which was read, whereupon resolved to concur in passing this bill. Also "An act in addition to and alteration of an act entitled an act laying a tax of four cents per acre on the town of Barton in the County of Orleans, passed October 24th, 1823," which was read, whereupon Resolved to concur in passing this bill. Also "An act providing for the compiling and reprinting the laws of this state," which was read, whereupon resolved to concur in passing this bill. Ordered that the Secretary inform the House that the Governor and Council have concurred in passing the five bills last mentioned.

The Governor and Council proceeded to the election of a person to revise and compile the statute laws of this state, agreeably to an act of the legislature of this state entitled "An act providing for the compiling and reprinting the laws of this state," and the ballots being taken, sorted and counted, William Slade Jun^r was declared duly elected.

The House sent up for concurrence, the report and resolutions of the Committee raised on that part of his Excellency's Speech which relates to the deaf and dumb, which were read, whereupon Resolved to concur in passing said resolutions and the Sec^y was ordered to inform the House accordingly.

The House sent up the report and resolutions of the Committee raised upon the communication from the state of Illinois, for concurrence, which were read, whereupon resolved to concur in passing said resolutions and the Sec^y was ordered to inform the House accordingly.¹

¹The resolutions were these :

Resolved by the General Assembly of the State of Vermont, that the legislature of this state having heretofore considered and acted upon the claim of the old thirteen United States, and of this state and others, to an appropriation of public lands, within the states formed out of the territory of the United States, for the purposes of education, it is inexpedient to legislate or express any other or further opinion upon the same than that heretofore expressed and communicated to the state of Illinois, and others of the United States.

Resolved, by the authority aforesaid, that his excellency the governor

The House sent up the following resolution for concurrence to wit: "In General Assembly Nov^r 5th, 1823. Resolved, the Governor and Council concurring herein, that it be recommended to the several towns of the County of Windham, at their next annual march meeting, to choose a delegate in each town to meet at the court house in Newfane in said County on the 2^d tuesday of June next, at their own expense, at ten of the clock in the forenoon, which delegates when convened are to make examination for the purpose of ascertaining the best place for the permanent shire of said county, and make report to the next session of the legislature, as well their opinion where the shire or place for the County buildings ought to be fixed, as of such proposals which may be made towards erecting the County buildings in different towns or places, (on condition the shire be established in said towns or places,) and return their report by the fifth day of the next session of the legislature, under the hands of the said committee, or a major part of them. Resolved also that the selectmen of said towns insert an article in their warrants for the next annual march meeting, notifying that a delegate is to be chosen to meet in convention as aforesaid at Newfane on the 2^d tuesday of June next, for locating the shire of Windham County." Which was read, whereupon resolved to concur in passing this resolution. Ordered that the Secretary inform the House accordingly.

A message was rec^d. from the House by Mr. Elliot, one of its members, informing that the House had concurred in all the amendments proposed by the Gov^r and Council to the bill entitled "An act relating to bills of divorce," except the third, and that the House had nonconcurrred in the said third proposed amendment and requested the Governor and Council to rescind from said proposed amendment, and after assigning the reasons of the House he withdrew—whereupon the Governor and Council Resolved not to rescind from said amendment, but to suspend the passage of said bill until the next session of the legislature, and the Sec^y was ordered to inform the House accordingly.

A message was rec^d. from the House by Mr. Olin, one of its members, informing that the House had repassed the bill entitled "An act directing the Treasurer to pay Jonathan Fassett the sum therein mentioned," and after assigning the reasons of the House he withdrew, whereupon the Governor and Council Resolved to suspend the passing of said bill until the next session of the legislature, and the Secretary was ordered to inform the House accordingly.

The House sent up for revision and concurrence &c. the bill entitled "An act for the relief of Leonard Deming," which was read, whereupon Resolved to nonconcur in passing this bill and Mr. Wetmore is appointed to assign reasons to the House. Also "An act assessing a tax on the County of Orange for the purpose of building a jail in said County," which was read, whereupon resolved to concur in passing this bill. Also "An act granting to Daniel Staniford an appeal from the judgment of commissioners on the estate of John Barry, late of Colchester, deceased, to the Supreme Court," which was read, whereupon Resolved to concur in passing this bill. Also "An act in addition to an act ascertaining the principles on which the list of this state shall be made and directing the listers in their office and duty," which was read,

be requested to communicate or cause to be communicated, a copy of the above report and resolution to the executive of the state of Illinois, and a like copy to each of our senators and representatives.

See *Governor and Council*, Vol. VI, p. 544; and printed *Vermont Assembly Journal* of 1823, p. 185.

whereupon Resolved to concur in passing this bill. Also "An act in addition to an act providing for the relief and support of poor persons who may hereafter be confined in jail and having no legal settlement in this state, passed Nov^r. 16th. 1821," which was read, whereupon Resolved to concur in passing this bill. Ordered that the Secretary inform the House of the passage of the four last mentioned bills.

A communication was rec^d. from the Speaker of the House of representatives, informing that the House had concurred in the amendment proposed to the Resolution relating to the County buildings in Windham County.¹

The House sent up for revision and concurrence &c. the bill entitled "An act in addition to an act entitled an act ascertaining the principles on which the list of this state shall be made and directing the listers in their office and duty," which was read, whereupon resolved not to concur in passing this bill and M^r. Langdon reported reasons which were adopted as the reasons of the Gov^r. and Council, and the Secretary was ordered to return said bill and reasons to the House. Adjourned to 7 Oclock to morrow morning.

FRIDAY NOV^r. 7th. 1823. 9 Oclock A. M.

The Governor and Council met pursuant to adjournment. The House sent up for revision and concurrence &c. the bill entitled "An act in addition to an act entitled an act ascertaining the principles on which the list of this state shall be made and instructing listers in their duties and office," which was read, whereupon Resolved to concur in passing this bill and the Secretary was ordered to inform the House accordingly.

A message was received from the House by M^r. Fitch, one of its members, informing that the House had repassed the bill entitled "An act in addition to an act entitled an act ascertaining the principles on which the list of this state shall be made, and directing the listers in their office and duty," and after assigning the reasons of the House he withdrew. Whereupon amendments were proposed to said bill, and adopted; and the Governor and Council resolved to concur in passing said bill with said proposed amendments, and the Secretary was ordered to return said bill and amendments, together with the reasons of the Council in writing, to the House.

A message was received from the House by M^r. Chase, one of its members, informing that the House had non concurred in the amendments proposed by the Governor and Council to the bill entitled "An act in addition to an act entitled an act ascertaining the principles on which the list of this state shall be made, and directing the listers in their office and duty," and after assigning the reasons of the House he withdrew. Whereupon the Governor and Council Resolved to suspend the passing of this bill until the next session of the legislature; and the Secretary was ordered to inform the House accordingly.

A message was received from the House by M^r. Bates, one of its members, informing that the House have completed the business of the Session and that they are ready to adjourn without day, agreeably to the joint resolution of both Houses—whereupon the Secretary was ordered to inform the House that the Governor and Council would forthwith attend in the representatives' room for the purpose of adjourning the General Assembly without day.

¹ The journal of the Council does not indicate any amendment.

The Governor and Council attended in the House of representatives, and after an address to the throne of grace by the Chaplain, the General Assembly was adjourned without day.

The Governor and Council returned to the Council Chamber and adjourned without day.

STATE OF VERMONT.—The foregoing from page one to page 78 inclusive [of the manuscript Council Journal marked Vol. 10.] is a true Journal of the proceedings of the Governor and Council, at their annual Session in the year 1823.

D. KELLOGG, Sec'y.

DEBENTURE OF COUNCIL, 1823.	No. Miles Travel.	Am't of Travel.	No. days Att'nce.	Am't. of Att'nce	Debenture.
Mr. Judd	60	\$7.20	2	\$3.	\$10.20
Lieut. Govr. Leland	80	9.60	30	120.	129.60
Mr. Berry	75	9.00	30	45.	54.
" Butler	12	1.44	30	45.	46.44
" Chittenden	30	3.60	30	45.	48.60
" Dana of O.	22	2.64	25	37.50	40.14
" Dana of C.	30	3.60	30	45.	48.60
" Holley	60	7.20	26	39.	46.20
" Langdon	72	8.64	24	36.	44.64
" Pratt	100	12.	30	45.	57.00
" Proctor	71	8.52	30	45.	53.52
" Stanley	32	3.84	30	45.	48.84
" Wetmore	60	7.20	30	45.	52.20
Sheriff	12	1.44	30	45.	46.44
Deputy	12	1.44	30	45.	46.44
Amount					\$772.86

The above Debenture was rec^d. of the Treasurer by the Sheriff, and by him paid over to the members &c.

D. KELLOGG, Sec'y.

FORTY-EIGHTH COUNCIL.

OCTOBER 1824 TO OCTOBER 1825.

CORNELIUS P. VAN NESS, Burlington, *Governor*.
AARON LELAND, Chester, *Lieutenant Governor*.

Councillors:

EZRA BUTLER, Waterbury,	JOSIAH DANA, Chelsea,
CHAUNCEY LANGDON, Castleton,	ISRAEL P. DANA, Danville,
TRUMAN CHITTENDEN, Williston,	JABEZ PROCTOR, Cavendish,
TIMOTHY STANLEY, Greensboro',	SAMUEL H. HOLLEY, Middlebury.
SETH WETMORE, St. Albans,	JOHN ROBERTS, Whitingham.
JOSEPH BERRY, Guildhall,	ORSAMUS C. MERRILL, Benn'gton.

DANIEL KELLOGG, Rockingham, *Secretary*.
JOHN PECK, Waterbury, *Sheriff*.

BIOGRAPHICAL NOTICE.

ORSAMUS C. MERRILL, born in Farmington, Conn., June 18, 1775, came to Bennington April 5 1791, and was apprenticed to Anthony Haswell, the Bennington printer. Completing his apprenticeship, he entered the printing business for himself, and his first printed book was Webster's spelling-book. Next he studied law, and was admitted to the bar in 1805. He entered the military service in the war of 1812-'15, and was major in the 11th U. S. Infantry March 3 1813, Lieut. Col. of the 26th Infantry as riflemen, Sept. 4 1814, and transferred back to the 11th Infantry as Lieut. Col. Sept. 26 1814. The remainder of his public services were in the civil department, to wit: Register of Probate 1815; Clerk of the Courts 1816; Member of Congress 1817-'19; Representative of Bennington in the Constitutional Convention, and General Assembly, in 1822; Judge of Probate in 1822, 1841, 1842, and 1846; State's Attorney 1823 and '24; Councillor 1824 until 1826, and member of the first State Senate. "He was remarkable for great purity, elevation, and urbanity of character, * * * and in his Christian example characteristically conscientious and circumspect." He died April 12 1865, in the ninetieth year of his age. The late Hon. TIMOTHY MERRILL of Montpelier, who held many responsible positions in the public service, was a brother of the subject of this sketch.—*Memorials of a Century*, Bennington; *Deming's Catalogue*; and *Governor and Council*, Vol. VI.

RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION WITH THE GENERAL ASSEMBLY AT MONTPELIER, OCTOBER 1824.

STATE OF VERMONT ss.

A Journal of the proceedings of the Governor and Council at their Session, begun and held at Montpelier in said State, on the second thursday of October in the year of our Lord Christ, one thousand eight hundred and twenty-four, being the fourteenth day of the month and in the Forty-ninth year of the independence of the United States—Present, His Excellency Cornelius P. Van Ness, Governor. His Honor Aaron Leland, Lieut. Governor. The Hon. Joseph Berry, Israel P. Dana, Josiah Dana, Samuel H. Holley, Chauncey Langdon, Joel Pratt, Jabez Proctor, Truman Chittenden, Ezra Butler, Seth Wetmore, of the Council.

A message was received from the House of Representatives by Mr. Temple, one of its members, informing the Governor and Council that the House had organized by choosing George E. Wales their Speaker and Timothy Merrill Clerk pro tempore, and that the House were ready to receive any communication which the Governor and Council might be pleased to make, and he withdrew. Ordered that the Sec^y inform the House of Representatives that the Governor and a quorum of the Council are assembled in the Council Chamber and are ready to [proceed to] business.

A message was received from the House by Mr. Cushman, one of its members, informing the Governor and Council that the House had on its part appointed a Committee to receive, sort and count the votes for Gov^r. Lieut. Governor, Treasurer and Councillors, and he withdrew. Whereupon the Governor and Council proceeded to appoint a committee to join such committee on the part of the House, and Messrs. Wetmore, Proctor and Berry were appointed and sworn. Ordered, that the Sec^y inform the House of Representatives that the Governor and Council have on their part appointed a committee to receive, sort and count the votes for Governor, Lieut. Governor, Treasurer and Councillors for the ensuing year. Adjourned to 4 O'clock P. M.¹

4 O'CLOCK P. M. —The Governor and Council met pursuant to adjournment. Mr. Stanley appeared in the Council Chamber and took his seat.

A message was received from the House by Mr. Hinsdale, one of its members, informing that the House was ready to meet the Governor and Council in the Representatives' room to receive the report of the Canvassing Committee. Ordered that the Sec^y inform the House of representatives that the Governor and Council will immediately attend in the representatives' room to hear the report of the Canvassing Committee. The Governor and Council attended in the representatives' room, when the Canvassing Committee made the following report, to wit:

¹The election sermon was preached by the Rev. Amariah Chandler, then of Waitsfield.

The committee appointed to receive, sort and count the votes for Governor, Lieut. Governor, Treasurer and Councillors, for the year ensuing, do report and declare that His Excellency Cornelius P. Van Ness is elected Governor. The Hon. Aaron Leland is elected Lieut. Governor—and Benjamin Swan Esq. Treasurer, and that the Hon. Timothy Stanley, Joseph Berry, Israel P. Dana, Ezra Butler, Seth Wetmore, John Roberts, Truman Chittenden, Jabez Proctor, Orsamus C. Merrill, Chauncey Langdon, Samuel H. Holley and Josiah Dana are elected Councillors for the year ensuing. *SETH WETMORE, for Committee.*

Montpelier, Oct. 14, 1824.

Which report having been read, the Sheriff of Washington County made proclamation of said several elections, and the Governor and Council returned to their Chamber. Adjourned to 9 O'clock to morrow morning.¹

FRIDAY October 15th. 1824. 9 O'clock A. M.

His Honor Aaron Leland, Lieut. Governor elect, and the Hon. Timothy Stanley, Joseph Berry, Israel P. Dana, Ezra Butler, Seth Wetmore, John Roberts, Truman Chittenden, Jabez Proctor, Orsamus C. Merrill, Chauncey Langdon, Samuel H. Holley and Josiah Dana, Councillors elect, appeared in the Council Chamber, and immediately attended in the representatives' hall, and in the presence of the House took and subscribed the oaths of office; when they returned to the Council Chamber.

A message was received from the House, by Mr. Hunt of Brattleboro, one of its members, informing that the House had elected George E. Wales Speaker, Norman Williams Sec'y of State, Timothy Merrill Clerk & Oramel H. Smith engrossing Clerk.

A large number of Petitions, from convicts in the state prison, were received and filed. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment. The Governor and Council attended in the House of Representatives, when His Excellency the Governor delivered the following Speech, after having taken and subscribed the oaths of office.²

The House sent up the following resolution for concurrence to wit: "In General Assembly October 15, 1824. Resolved, the Governor and Council concurring, that both Houses meet in Joint Committee, in the Representatives' room, at two O'clock this afternoon, for the purpose of electing a Chaplain of the General Assembly," which was read, whereupon resolved to concur in passing this resolution, and the Sec'y was ordered to inform the House accordingly.³

The petition of Alexander Whitman, for pardon, was taken up, read, and on motion of Mr. Wetmore, Ordered to be dismissed. The petition of David Weatherby, for pardon, was taken up, and on motion of Mr. Proctor, ordered to be dismissed. The petition of John Utley, for pardon, was taken up and on motion of the Lieut. Governor, ordered to be dismissed. The petition of William Twambly, for pardon, was taken up, and on motion of Mr. Dana of O. was ordered to be dismissed. The petition of Jean B. Tumas, for pardon, was taken up, and on motion of

¹ The votes for Governor were, Cornelius P. Van Ness, 13,413; Joel Doolittle, 1,962; scattering, 346.

² For speech see *Appendix A*.

³ Rev. Amariah Chandler of Waitsfield was elected.

Mr. Wetmore, was ordered to be dismissed. The petition of Benuek K. Stevens was taken up, and on motion of Mr. Roberts, was ordered to be dismissed. The petition of Henry L. Stevens, for pardon, was taken up, and on motion of Mr. Wetmore, was ordered to be dismissed. The petition of Lemuel Scott, for pardon, was taken up, and on motion of Mr. Wetmore, was ordered to be dismissed. The petition of Jonas Robinson was taken up and on motion, ordered to be dismissed. The petition of James Robinson, for pardon, was taken up, and on motion of the Lieut. Governor, ordered to be dismissed. The petition of Daniel Palmer, for pardon, was taken up and on motion of the Lieut. Governor, ordered to be dismissed. The petition of Silas Plumley, for pardon, was taken up, and on motion of Mr. Holley, ordered to be dismissed. The petition of William H. Nichols, for pardon, was taken up and on motion of Mr. Wetmore, ordered to be dismissed. The petition of David Norris, for pardon, was taken up and on motion of Mr. Wetmore, ordered to be dismissed. The petition of Patrick Murphy, for pardon, was taken up and on motion of the Lieut. Governor, ordered to be dismissed. The petition of William Lee, for pardon, was taken up, and on motion of the Lieut. Governor, ordered to be dismissed. The petition of Lucius Hills, for pardon, was taken up and on motion of Mr. Roberts, ordered to be dismissed. The petitions of Amos Kimball, R. T. Hathaway and John Hunt, for pardon, were severally taken up and on motion ordered to be dismissed. The petitions of James Harvey and Allen Howard for pardon, were taken up and on motion of Mr. Wetmore, ordered to be dismissed. The petition of William Gary, for pardon was taken up and on motion of Mr. Dana of C. ordered to be dismissed. The petition of Thomas Gilbert for pardon, was taken up and on motion of Mr. Dana of O. ordered to be dismissed. The petition of Jacob B. Gage, for pardon, was taken up and on motion of Mr. Dana of C. ordered to be dismissed. The petitions of Isaac D. Frost and William Freeman, for pardon, were severally taken up and on motion of the Lieut. Governor, ordered to be dismissed. The petition of Joseph Fayal, for pardon, was taken up and on motion of Mr. Wetmore, ordered to be dismissed. The petitions of David Fowler, Leonard Corless, James Bennett, and Jonathan Bidwell, for pardon, were severally taken up and on motion of the Lieut. Governor, ordered to be dismissed. The petitions of Perkins Downing and Jeremiah Downey, for pardon, were severally taken up and on motion of Mr. Butler, ordered to be dismissed. The petitions of Samuel Dolloff and Richard Collins for pardon, were severally taken up and on motion of Mr. Wetmore, ordered to be dismissed. The petition of J. O. Connells and Samuel Cossett for pardon were severally taken up, and on motion of Mr. Wetmore, ordered to be dismissed. The petition of William E. Bradish, for pardon, was taken up, and on motion of Mr. Dana of C. ordered to be dismissed.

The House sent up the following resolution for concurrence to wit, "In General Assembly October 15, 1824. Resolved, that that part of his Excellency's speech which relates to the deaf and dumb, be referred to a Committee of four to join from Council," which was read; whereupon resolved to concur in passing this resolution, and the Lieut. Governor is appointed from Council.

The Petition of John Barnes, for pardon, was taken up, and the question put "Shall the said John Barnes be discharged from confinement," which was determined in the affirmative by an unanimous vote. Yeas 13. Adjourned to 9 O'clock to morrow.

SATURDAY October 16th, 1824. 9 O'clock A. M.

The Governor and Council met pursuant to adjournment. His Excellency the Governor was pleased to appoint Daniel Kellogg, Esquire, Sec^y of the Governor and Council for the year ensuing; and he was duly sworn.

The petition of John Crawford, for pardon, was taken up, and the question put "Shall the said John Crawford be discharged from confinement?" which was determined in the affirmative by an unanimous vote. Yeas 13. The petition of Raymond Begary, for pardon, was taken up and the question put "Shall the said Raymond Begary be discharged from confinement?" which was determined in the affirmative, by an unanimous vote. Yeas 13. The petitions of John Bradley, Daniel Butler and John R. Page were severally taken up and on motion of M^r. Butler, ordered to be dismissed. The petitions of Nathan Badger, Rufus H. Green, Selah Hickox and Reuben Rollins, for pardon, were severally taken up and on motion of the Lieut. Governor, ordered to be dismissed. The petition of John Conant, for pardon, was taken up and the question put "Shall the said John Conant be discharged from confinement?" which was determined in the affirmative—Yeas 13, Nays 0. The petition of Edward Francis, for pardon, was taken up and on motion of M^r. Langdon, ordered to be dismissed. The petition of William Johnson for pardon was taken up and on motion of M^r. Langdon, ordered to be dismissed. The petition of William W. Noble for pardon was taken up and on motion of M^r. Stanley, ordered to be dismissed. The petition of Solomon Wheeler for pardon was taken up and on motion of M^r. Dana of C. ordered to be dismissed. The petition of Horace Wheeler for pardon was taken up and the question put "Shall the said Horace Wheeler be discharged from confinement?" which was determined in the affirmative—yeas 13, nays 0. The petition of Benjamin T. Silver for pardon was taken up and the question put "Shall the said Benjamin T. Silver be discharged from confinement?" which was determined in the affirmative—yeas 13, nays 0. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment. Adjourned to 9 O'clock Monday morning.

MONDAY October 18, 1824. 9 O'clock A. M.

The Governor and Council met pursuant to adjournment. The House sent up the following for concurrence in the reference to wit: The petition of Luther Park and others, of Joseph C. Hollister and others, of Silas Warren and others, and the remonstrance of Emery Burfee and others, with an order of the House on each that the same be referred to the Land tax Committee; whereupon resolved to concur in said orders of reference. The House sent up the following for concurrence in the reference, to wit: The petition of Joel Cilley and others, of the selectmen of Readsboro, of Daniel H. Rice and others, of Thomas Fuller and others, of Jonathan Jenness and others, of sundry inhabitants of Sutton, of the selectmen of Stamford, of Ephraim Ladd and others, with an order [of the House] on each, that the same be referred to the land tax Committee; whereupon resolved to concur in said orders of reference. The House sent up the following for concurrence in the reference to wit: The petition of Robert Johnson and others, with an order of reference thereon, that the same be referred to a committee of four to join; whereupon resolved to concur in said order of reference, and M^r. Holley is appointed from Council. The House sent up the following for concurrence in the reference to wit: The petition of Henry June, with an

order of reference thereon, that the same be referred to a committee of four to join; whereupon resolved to concur in said order of reference, and Mr. Merrill is appointed from Council. Also "An act forming a new town out of the towns of Bakersfield, Belvidere and Coit's Gore in the County of Franklin," with an order of the House thereon, that the same be referred to a committee of four to join; whereupon resolved to concur in said order of reference and Mr. Butler was appointed from Council.

The petition of Theodore Staple for pardon was taken up and the question put "Shall the said Theodore Staple be discharged from confinement?" which was determined in the affirmative—yeas 12, nays 1—all voting in the affirmative except Mr. Butler, who voted in the negative.

The House sent up the following for concurrence in the reference to wit: The petition of Thomas Nooney, of Samuel Parker and others, of Sylvester Burke and others, and of Abijah Wright, with an order of the House on each, that the same be referred to the Committee of ways and means; whereupon resolved to concur in said orders of reference.

The petition of Meriner Floyd for pardon was taken up and on motion of Mr. Dana of O. ordered to be dismissed. The petition of Jeremiah McGee for pardon was taken up and on motion of Mr. Wetmore ordered to be dismissed. The petition of James Jourman for pardon was taken up and the question put "Shall the said James Jourman be discharged from confinement?" which was determined in the affirmative—yeas 13, nays 0. The petition of Chauncey Beach for pardon was taken up and the question put "Shall the said Chauncey Beach be discharged from confinement?" which was determined in the affirmative—yeas 11, nays 2. Those who voted in the affirmative are the Lieut. Governor, Messrs. Berry, Chittenden, Dana of O. Dana of C. Holley, Langdon, Merrill, Proctor, Stanley and Wetmore. Those who voted in the negative are Messrs. Butler and Roberts. The petition of Stewart Chellis, for pardon, was taken up and the question put "Shall the said Stewart Chellis be discharged from confinement?" which was determined in the affirmative—yeas 13. The petition of James Convers for pardon was taken up and on motion of Mr. Langdon, ordered to be dismissed. The petition of John Clark, for pardon, was taken up and the question put "Shall the said John Clark be discharged from confinement?" which was determined in the affirmative—yeas 13. The petition of Samuel Elder, for pardon, was taken up and the question put "Shall the said Samuel Elder be discharged from confinement?" which was determined in the affirmative—years 13. The petition of William B. Herrick and Thomas Williams for pardon were taken up severally and on motion ordered to be dismissed.

The House sent up the following for concurrence in the reference to wit: The report of Delegates from Windham County, and the petition of Ephraim Robinson, with an order on each that the same be referred to the General Committee; whereupon resolved to concur in said orders of reference. The House sent up the following for concurrence in the reference to wit: The petition of the selectmen of Thetford, of Asa Dodge Jun^r, of Calvin Robinson and William Trumbull, of Lewis Keeler, of Solomon Downer, of Lemuel Cobleigh, of Lucius Doolittle and Samuel Ripley, of Zerah B. Thomas, of D. G. Foster and others, of Jonas Whitney Jun^r, and the account of Paul Chase, with an order of the House on each that the same be referred to the Committee of Claims; whereupon resolved to concur in said orders of reference. The House sent up the following for concurrence in the reference to wit: "An act directing the Treasurer to pay Joseph S. Jennison, Charles Jennison and Nahum Jennison the sum therein named," with an order of the House thereon

that the same be referred to the Committee of Claims ; whereupon resolved to concur in said order of reference. The House sent up the following for concurrence in the reference to wit : The petition of Ambrose L. Brown and others, of Edward Woodruff and others, of Ryland Fletcher and others, of Abial Stodard and others, of Frederick Ambler and others, of James Noble and others, of David R. Campbell and others, of Josiah Jaquith and others, and the Remonstrance of Calvin Brown and others, with an order of the House on each that the same be referred to the Military Committee ; whereupon resolved to concur in said orders of reference.

The House sent up the following for concurrence in the reference to wit : the petition of Parker Noyes, of Christopher Stem, of the baptist Church in Brandon, of Cyrenius M. Fuller & Asa Briggs, "An act in addition to the several acts defining the powers of Justices of the peace within this state," and "an act relating to absconding debtors," with an order of the House on each that the same be referred to the Judiciary Committee ; whereupon *Resolved* to concur in said orders of reference. The House sent up the following for concurrence in the reference to wit : The petition of Martin Snow and others, of Robert W. Field and others and of Mosely W. Hall and others, with an order of the House on each that the same be referred to the Turnpike Committee ; whereupon resolved to concur in the said orders of reference. The House sent up the following for concurrence in the reference to wit : the petition of Lyman Mattison, and of Samuel Cleveland and Samuel Cleveland Jr., with an order of the House on each that the same be referred to the Committee of Ways and Means ; whereupon *Resolved* to concur in said orders of reference. The House sent up the following for concurrence in the reference to wit : "An act annexing a part of the town of Bristol in the County of Addison to the town of Lincoln," and the petition of Ambrose Churchill and others, with an order of the House on each that the same be referred to the committee raised on the petition of Robert Johnson, whereupon *Resolved* to concur in said orders of reference. The House sent up the following for concurrence in the reference to wit : The petition of Josiah Burton and others, with an order of the House thereon that the same be referred to a committee of four to join ; whereupon resolved to concur in said order of reference, and Mr. Berry was appointed from Council. Also "An act in addition to and explanatory of an act annexing a part of Avery's Gore and a part of Athens to Grafton," with an order of the House thereon that the same be referred to a committee of four to join ; whereupon resolved to concur in said order of reference and Mr. Roberts is appointed from Council. Also the petition of William Daulby and Edward Gregson, with an order of the House thereon that the same be referred to a committee of three to join ; whereupon resolved to concur in said order of reference and Mr. Langdon is appointed from Council. Also the petition of Elisha Boardman, with an order of the House thereon, that the same be referred to a select committee of six to join ; whereupon resolved to concur in said order of reference. Also the petition of Wallis Mott and others, of Oren Dickinson, of Eli Allen, of Asahel Barns, and "an act granting a ferry to Daniel Wilcox," with an order of the House on each that the same be referred to the committee raised on the petition of Elisha Boardman ; whereupon resolved to concur in said orders of reference. Also the petition of Elisha Tucker and others, with an order of the House thereon, that the same be referred to the committee raised on the bill entitled "An act forming a new town out of the towns of Bakersfield, Belvidere and Coit's Gore in the County of Franklin ;" whereupon resolved to concur in said order of reference. Also the Re-

port of George P. Marsh Esq. with an order of the House thereon that the same be referred to the Committee raised on that part of his Excellency's speech which relates to the deaf and dumb; whereupon Resolved to Concur in said order of reference.

The House sent up the following resolution for concurrence to wit: "In General Assembly October 16 1824. Resolved, the Governor and Council concurring herein, that both Houses meet in County Conventions on tuesday next at four O'clock P. M. for the purpose of making nominations of County officers; and that they meet in Joint Committee, in the representatives' room, at the opening of the House on Wednesday morning next, for the purpose of electing said officers," which was read; whereupon resolved to concur in passing this resolution and the Secy was ordered to inform the House accordingly. The House sent up the following resolution for concurrence to wit, "In General Assembly October 16, 1824. Resolved that a Committee of four members be appointed from this House, to join such Committee as the Governor and Council may appoint, to take into consideration that part of the Governor's Speech which relates to the appointment of Presidential electors; and report by bill or otherwise," which was read; whereupon resolved to concur in passing this resolution, and Mr. Langdon was appointed from Council. The House sent up the following resolution for concurrence to wit, "In General Assembly October 14, 1824. Resolved, the Governor and Council concurring herein, that the choice of electors of President and Vice President of the United States, ought to be given to the people, and that this state be districted for that purpose," which was by the House referred to the committee raised on the resolution of Mr. Olin of the 16th instant; whereupon resolved to concur in said order of reference.

A written message was received from the House informing the Governor and Council, that agreeably to the rules of the House they have appointed the following Standing Committees, in which they desire the Governor and Council to join, to wit—A Committee of 4 denominated the Committee of Ways and Means—A Committee of 4 denominated the Military Committee—A Committee of 4 denominated the Judiciary Committee—A Committee of 4 denominated the Committee of Claims—A Committee of 4 denominated the Turnpike Committee—A Committee of 4 denominated the Committee of Insolvency—A Committee of 4 denominated the Committee of manufactures—A Committee of 4 denominated the Committee of agriculture—A Committee of 4 denominated the Land tax Committee—A Committee of 4 denominated the Committee of New Trials—A Committee of 13 denominated the General Committee—A Committee of 4 denominated the Committee on education—whereupon Resolved to join in the appointment of said Committees, and Mr. Butler was appointed on the Committee of Ways and Means—Mr. Holley was appointed on the Military Committee—Mr. Wetmore was appointed on the Judiciary Committee—the Lieut. Governor was appointed on the Committee of Claims—Mr. Roberts was appointed on the Turnpike Committee—Mr. Dana of C. was appointed on the Committee of Insolvency—Mr. Proctor was appointed on the Committee of Manufactures—Mr. Chittenden was appointed on the Committee of agriculture—Mr. Berry was appointed on the Land tax Committee—Mr. Langdon was appointed on the Committee of New Trials—Mr. Dana of O. was appointed on the General Committee—Mr. Merrill was appointed on the Committee on Education. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment. The petition of Harvey Metcalf, for pardon, was taken up

and the question put "Shall the said Harvey Metcalf be discharged from confinement?" which was determined in the affirmative, upon condition that the said Harvey Metcalf should leave this state within twenty days and not return within the same. The petition of Peter N. Quackinbush, for pardon, was taken up and on motion, ordered to be dismissed. The petition of Jacob Spencer, for pardon, was called up and on motion ordered to lie upon the table. Adjourned to 9 O'clock to morrow.

TUESDAY October 19, 1824. 9 O'clock A. M.

The Governor and Council met pursuant to adjournment.

The Lieut. Governor, on motion, was excused from serving on the Committee raised upon that part of the Governor's speech which relates to the deaf and dumb; and Mr. Wetmore was appointed.

The House sent up the following for concurrence in the reference to wit: The petition of Harvey Burton and others, of Willard Carryl and others, of Otis Morton and others, with an order of the House on each, that the same be referred to the Committee of Ways and Means; whereupon resolved to concur in said orders of reference.

The House sent up the following resolution for concurrence to wit, "In General Assembly Oct^r 18, 1824. Resolved, the Governor and Council concurring herein, that both houses meet in the representatives' room, on thursday next at 10 O'clock A. M. for the purpose of electing Judges of the Supreme Court, for the year ensuing—Also an Auditor of Accounts against this State." Which was read, whereupon resolved to concur in passing this resolution and the Sec'y was ordered to inform the House accordingly.

The House sent up the following resolution for concurrence to wit: "In General Assembly Oct^r 18, 1824. Resolved, the Governor and Council concurring herein, that both houses, in their respective rooms, proceed at 2 O'clock in the afternoon, on thursday next, to elect a Senator for this State, to represent the State of Vermont in the Senate of the United States for the term of six years, to commence from and after the third day of March next, and that both Houses meet immediately thereafter, in the representatives' room, to complete the said election, according to law"—which was read; whereupon Resolved to concur in passing this resolution, and the Sec'y was ordered to inform the House of the same.

Mr. Holley moved to reconsider the vote dismissing the petition of William E. Bradish, for pardon, whereupon resolved to reconsider said vote, and thereupon the question was put "Shall the said William E. Bradish be discharged from confinement?" which was determined in the affirmative—yeas 7, nays 6. Those who voted in the affirmative are, the Lieut. Governor, Messrs. Berry, Holley, Merrill, Proctor, Stanley and Wetmore. Those who voted in the negative are Messrs. Butler, Chittenden, Dana of O. Dana of C. Langdon and Roberts. The petition of Charles K. Parkhurst, for pardon, was taken up and on motion of Mr. Stanley, ordered to be dismissed.

The House sent up the following for concurrence to wit, The petition of John Meacham and others, of Henry Hodges and others, of Eliakim H. Johnson, of William Fay and others, of Oel Billings and others, of Gardner Converse and others, of William Jarvis and others, of Villa [Ville] Lawrence and others, of Lyman Patchin and others, of Noadiah Swift and others, of Joseph Hough and others, of Henry Robinson and others, of Leonard Sims, of Catherine Jones, of Thomas Guyer, of Omri Dodge, of Jesse Goodno, of the selectmen of St. George, the account

current from the state prison, and the report of the Warden of the state prison, with an order of the House thereon, that the same be referred to the Committee of Ways and Means; whereupon resolved to concur in said orders of reference.

The House sent up the following for concurrence in the reference to wit, The petition of Walter Wright and others, of Adin H. Green and others, of Calvin Joystin and others, of Isaiah Eaton and others, with an order of the House on each, that the same be referred to the Military Committee; whereupon resolved to concur in said orders of reference. The House sent up the following for concurrence in the reference to wit: The petition of Amos W. Barnum and others, of Abraham Blake and others, and the remonstrance of Patience Burroughs and others, with an order of the House on each, that the same be referred to the turnpike Committee; whereupon resolved to concur in said orders of reference. The House sent up the following for concurrence in the reference, to wit: "An act for the relief of Leonard Deming," with an order of the House thereon, that the same be referred to the Committee of New Trials; whereupon resolved to concur in said order of reference.

On motion, his Honor the Lieut. Governor was excused from serving on the Committee of Claims, during the hearing of the petition of Daniel Tufts and Benjamin B. Sargent, and Mr. Merrill was appointed to serve on said Committee during the hearing of said petitions.

The House sent up the following for concurrence in the reference to wit, The petition of Daniel Tufts, of Benjamin B. Sargent, of John Kilburne and others, with an order of the House on each, that the same be referred to the Committee of Claims; whereupon resolved to concur in said orders of reference. The House sent up the petition of Ebenezer Darling and others, and of Otis Leland and others, with an order of the House on each, that the same be referred to the Land tax Committee; whereupon resolved to concur in said orders of reference. The House sent up the following for concurrence in the reference to wit, The petition of Noah Peck and others, of Joseph Collins and others, of the selectmen of Concord, of Simon Haven and others, with an order of the House on each, that the same be referred to the committee raised on the bill entitled "An act forming a new town out of the towns of Bakersfield, Belvidere and Coit's Gore in the County of Franklin;" whereupon resolved to concur in said orders of reference. The House sent up the following for concurrence in the reference to wit, The petition of Abel Darby, and a bill entitled "An act in addition to an act ascertaining the principles on which the list of this state shall be made, and directing listers in their office and duty," with an order of the House on each, that the same be referred to the General Committee; whereupon resolved to concur in said orders of reference. The House sent up for concurrence in the reference the Petition of Cloe Clark, with an order of the House thereon that the same be referred to the committee raised on the petition of David Tucker and others; whereupon resolved to concur in said order of reference. The House sent up for concurrence in the reference the petition of Calista Smith, with an order of the House thereon, that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference. Also the petition of Betsey Green, with an order of the House thereon, that the same be referred to a Committee of two to join; whereupon resolved to concur in said order of reference—and Mr. Berry is appointed from Council. Also the petition of Timothy Goodrich and others, with an order of the House thereon, that the same be referred to a committee of three to join; whereupon resolved to concur in said order of reference, and Mr. Langdon is appointed from Council. Also the petition of Calvin Edwards and others, with an or-

der of the House thereon that the same be referred to a committee of 4 to join; whereupon resolved to concur in said order of reference, and M^r. Stanley is appointed from Council.

The House sent up the following resolution for concurrence to wit, "In General Assembly October 15, 1824. Resolved, the Governor and Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of so amending the Judiciary System, in this State, as to give to the Supreme Court original and exclusive jurisdiction of all causes civil and criminal, not cognizable by a Justice of the peace, and to provide for taking appeals from Justices of the peace to the Supreme Court." Which was read, whereupon resolved to concur in passing this resolution. The House sent up the following resolution for concurrence to wit, "In General Assembly October 18, 1824. Resolved that that part of his Excellency's Speech, relating to the support of schools, be referred to the literary committee," which was read; whereupon resolved to concur in passing this resolution. The House sent up the following resolution for concurrence to wit, "In General Assembly October 18, 1824. Resolved, the Governor and Council concurring herein, that the Judiciary Committee be instructed to inquire into the provisions of an act entitled "An act reducing into one the several acts for laying out, making, repairing and clearing highways," and report such alterations therein as they may deem expedient." Which was read; whereupon resolved to concur in passing this resolution. Adjourned to 2 Oclock P. M.

2 OCLOCK P. M.—The Governor and Council met pursuant to adjournment. Adjourned to 9 Oclock to morrow morning.

WEDNESDAY October 20, 1824. 9 Oclock A. M.

The Governor and Council met pursuant to adjournment. The House sent up the following resolution for concurrence to wit, "In General Assembly October 19, 1824. Resolved, that the General Committee be instructed to inquire into the expediency of fixing a time for holding the Supreme Court in the County of Grand Isle, and report by bill or otherwise." Which was read; whereupon resolved to concur in passing this resolution. The House sent up the following resolution for concurrence to wit, "In General Assembly October 19, 1824. Resolved, that the General Committee be directed to inquire whether any and what alterations ought to be made in the times of holding the terms of the Supreme and County Courts in the several Counties in this [State,] and that they report by bill or otherwise." Which was read; whereupon resolved to concur in passing this resolution. The House sent [up] the following resolution for concurrence to wit, "In General Assembly Oct-18, 1824. Resolved, the Governor and Council concurring herein, that there be a committee appointed, of four members from this House to join from Council, to take into consideration the propriety of proposing an amendment to the Constitution of the United States, providing for a uniform system of electing electors of President and Vice President and members of Congress, throughout the United States, and make report to this House." Which was read; whereupon resolved to concur in passing this resolution, and M^r. Butler was appointed from Council. The House sent up the following for concurrence to wit, "In General Assembly October 19, 1824. Resolved, the Governor and Council concurring herein, that that part of his Excellency's Speech, which relates to the imprisonment of the body on civil debt or contract, be referred to the General Committee, with instructions [to report] by bill or

otherwise," which was read; whereupon resolved to concur in passing this resolution.

The House sent up the following for concurrence in the reference to wit—"An act establishing a turnpike corporation by the name of the Strafford turnpike Company"—Also a bill entitled "An act in addition to an act establishing a corporation by the name of the Windham turnpike Company"—Also the petition of John Johnson and others, with an order of the House on each that the same be referred to the Turnpike Committee; whereupon resolved to concur in said orders of reference. The House sent up the following for concurrence in the reference to wit, "An act annexing the County of Essex to the County of Caledonia"—Also the petition of Jonas Allen and others, with an order of the House on each that the same be referred to the committee raised on the bill entitled "an act forming a new town out of the towns of Bakersfield, Belvidere and Coit's Gore in the County of Franklin," whereupon resolved to concur in said orders of reference. The House sent up the following for concurrence in the reference to wit, The petition of the first Company of Infantry and other inhabitants of Randolph, of John Orcutt, of Jesse Williams and others, with an order of the House on each that the same be referred to the Military Committee; whereupon resolved to concur in said orders of reference. The House sent up the following for concurrence in the reference to wit, The petition of Jonathan Bliun and others, with an order of the House thereon that the same be referred to a Committee of 4 to join; whereupon resolved to concur in said order of reference. Also the petition of Samuel Strong and others, with an order of the House thereon that the same be referred to a select committee of four to join; whereupon resolved to concur in said order of reference, and Mr. Roberts is appointed from Council. Also the petition of the inhabitants of Shrewsbury, with an order of the House thereon that the same be referred to a committee of three to join; whereupon resolved to concur in said order of reference and Mr. Langdon is appointed from Council. Also the petition of Joseph Sholes with an order of the House thereon that the same be referred to a Committee of 4 to join; whereupon resolved to concur in said order of reference, and Mr. Langdon is appointed from Council. Also the petition of Adam Duncan and others, with an order of the House thereon that the same be referred to a committee of 5 to join; whereupon resolved to concur in said order of reference, and the Lieut. Governor is appointed from Council. Also the petition of the Trustees of Concord Academy, with an order of the House thereon that the same be referred to the [a] committee of two to join; whereupon resolved to concur in said order of reference, and Mr. Merrill is appointed from Council. Also the petition of David Tucker, with an order of the House thereon, that the same be referred to a committee of three to join; whereupon resolved to concur in said order of reference and Mr. Proctor is appointed from Council. Also the petition of Ephraim Blake and Noyes Hopkinson, with an order of the House thereon that the same be referred to the Land tax Committee; whereupon resolved to concur in said order of reference. Also the petition of Mary Goulett, with an order of the House thereon, that the same be referred to the Committee of Ways and Means; whereupon resolved to concur in said order of reference. Also the petition of Asa Tenuay and others with an order of the House thereon, that the same be referred to the Committee raised on the petition of Samuel Strong and others, whereupon resolved to concur in said order of reference.

The House sent up the following resolution for concurrence to wit, "In General Assembly October 19, 1824. Resolved, the Governor and

Council concurring herein, that the Committee on education be instructed to inquire into the expediency of providing by law that persons who have property in different School Districts, in the same town, may, at their request, have their school taxes assessed and paid in the Districts in which such property is situate," which was read; whereupon resolved to concur in passing this resolution. The House sent up the following resolution for concurrence to wit, "In General Assembly Oct-19, 1824. Resolved, the Governor and Council concurring herein, that the Committee on education be instructed to enquire into the expediency of providing by law for the towns in this state to raise the money upon the Grand list for the support of Schools, and that each District draw the money from the town treasury, in proportion to the number of its scholars," which was read; whereupon resolved to concur in passing this resolution.

The petitions of Russell Jepherson, of Josiah Simms, and of William Lee, for pardon, were taken up and on motion, ordered to be dismissed.

The House sent up the following for concurrence in the reference to wit—"An act to encourage manufactures," with an order of the House thereon that the same be referred to the Committee on Manufactures; whereupon resolved to concur in said order of reference. Also the petition of Noyes Hopkinson, with an order of the House thereon that the same be referred to the Committee of Claims; whereupon resolved to concur in said order of reference. Also the petition of Calvin Fletcher and others, with an order of the House thereon that the same be referred to the committee raised on the petition of Elisha Boardman; whereupon resolved to concur in said order of reference.

The Governor and Council attended in the Representatives' room, agreeably to a joint resolution to make appointments of County officers, after which they returned to their Chamber. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment. M^r. Wetmore introduced the following resolution to wit—"In Council October 20, 1824. Resolved that the Sec^y be authorised to procure three additional sett of copies of the Journals of the House of representatives, and of the laws of this state, and procure them bound for the use of the Council;" which was read and adopted and became the resolution of the Governor and Council. Adjourned to 9 O'clock to morrow.

THURSDAY October 21, 1824. 9 O'clock A. M.

The Governor and Council met pursuant to adjournment. The House sent up the following for concurrence in the reference to wit, The petition of Josiah Burton and others, with an order of the House thereon, that the same be referred to the Committee of Ways and Means; whereupon resolved to concur in said order of reference. Also "An act amending an act laying a tax on the town of Plymouth," with an order of the House thereon, that the same be referred to the Land tax Committee; whereupon resolved to concur in said order of reference. Also the Remonstrance of Jeremiah McDonald and others, of Thomas Taylor and others, and the petition of Micajah Ingham and others, with an order of the House on each, that the same be referred to the Land tax Committee; whereupon resolved to concur in said orders of reference. Also the petition of sundry inhabitants of Chittenden County, with an order of the House thereon, that the same be referred to the committee

raised on that part of the Governor's Speech which relates to imprisonment for debt; whereupon resolved to concur in said order of reference.

The Governor and Council attended in the Representatives' room, agreeably to a joint resolution to elect Judges of the Supreme Court and an Auditor of Accounts against this State, after which they returned to their Chamber.¹

The House sent up the following for concurrence in the reference to wit, The petition of Ira Stewart and others, with an order of the House thereon that the same be referred to the committee raised on the petition of Samuel Strong and others; whereupon resolved to concur in said order of reference. Also "An act incorporating and establishing a County Grammar School in Chelsea in the County of Orange by the name of Chelsea Academy," with an order of reference thereon that the same be referred to a committee consisting of the members of Orange County to join; whereupon resolved to concur in said order of reference and Mr. Dana of O. is appointed from Council. Also the petition of Asaph French and others, with an order of the House thereon, that the same be referred to the committee raised on the petition of Elisha A. Fowler and others; whereupon resolved to concur in said order of reference. Also the Communication of his Excellency the Governor, with an order of the House thereon that the same be referred to the committee raised on that part of the Governor's Speech which relates to the deaf and dumb; whereupon resolved to concur in said order of reference. Also "An act establishing a female Academy in St. Johnsbury," and the petition of the inhabitants of Hinesburgh, with an order of the House on each, that the same be referred to the Committee on education, whereupon resolved to concur in said orders of reference. Also "An act relating to an Academy in Essex County," and "An act annexing a part of the town of Pittsfield to the town of Rochester," with an order of the House on each, that the same be referred to the committee raised on the bill forming a new town out of the towns of Bakersfield, Belvidere and Coit's Gore in the County of Franklin; whereupon resolved to concur in said order of reference. Also the petition of Joseph Foster, of Daniel Lillie, with an order of the House on each, that the same be referred to the Judiciary Committee; whereupon resolved to concur in said orders of reference. The House sent up the following for concurrence to wit—The petition of Darius Clark and others, of Edmund Ingalls and others, and of Williams Whitman and others, with an order of the House on each, that the same be referred to the Committee of Ways and Means; whereupon resolved to concur in said orders of reference. Also The petition of William E. Paddock and others, of Hiram Warner and others, and the Memorial of Gen. Seth Cushman, with an order of the House on each, that the same be referred to the Military Committee; whereupon resolved to concur in said orders of reference. Also the petition of Thomas Todd, a bill "authorising the Treasurer to pay Jacob Welch the sum therein mentioned," the petition of Elihu De Forest, of Azariah Webb, of Heman Downey, with an order of the House on each, that the same be referred to the Committee of Claims; whereupon resolved to concur in said orders of reference.

The House sent up the following resolution for concurrence to wit, "In General Assembly October 19, 1824. Resolved, the Governor and Council concurring herein, that that part of his Excellency's Speech

¹ The elections were of Hon. Richard Skinner, Hon. Charles K. Williams, and Hon. Asa Aikens, Judges of the Supreme Court; and David Pierce Esq. Auditor of Accounts.

which relates to General Lafayette be referred to a select Committee, consisting of a member from each County, to join from Council," which was read, whereupon Resolved to concur in passing this resolution, and his Honor the Lieut. Governor and Mr. Merrill were appointed from Council. The House sent up the following resolution for concurrence, to wit, "In General Assembly October 20, 1824. Resolved, the Governor and Council concurring herein, that the Committee on education be instructed to enquire into the expediency of providing by law that all teachers of Common Schools shall pass an examination before some suitable board, and have a certificate of their qualification, and make report by bill or otherwise," which was read; whereupon resolved to concur in passing this resolution. The House sent up the following resolution for concurrence to wit, "In General Assembly October 19, 1824. Resolved, the Governor and Council concurring herein, that a committee of four members from this house, to join from Council, be appointed to enquire into the expediency of dividing the County of Addison into two probate districts, and report by bill or otherwise," which was read; whereupon resolved to concur in passing this resolution, and Mr. Holley is appointed from Council. The House sent up the following resolution for concurrence, to wit, "In General Assembly October 20, 1824. Resolved, the Governor and Council concurring herein, that the Military Committee be instructed to inquire into the expediency of erecting an Arsenal at Montpelier for the purpose of depositing the arms and ordnance stores belonging to this State, and that they have liberty to report by bill or otherwise," which was read; whereupon resolved to concur in passing this resolution. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment. A message was received from the House by Mr. Haight, one of its members, informing the Governor and Council that the House are now ready to proceed to ballot for a Senator to represent this State in the Senate of the United States, agreeably to the concurrent resolution of the two houses. On motion Ordered, that the Sec'y inform the House of representatives that the Governor and Council are now ready to proceed on their part to ballot for a Senator to represent this State in the Senate of the United States, agreeably to the concurrent resolution of the two houses. The Sec'y having notified the House of Representatives and returned, the Governor and Council proceeded to ballot, to elect on their part a Senator to represent this State in the Senate of the United States, for the term of six years from and after the third day of March next: and the ballots having been taken and examined, it appeared that the Hon. Dudley Chace had a majority, and was declared duly elected on the part of the Governor and Council. A message was received from the House, by Mr. Fletcher, one of its members, informing that the House have proceeded to ballot for a Senator on their part, agreeably to the concurrent resolution of both Houses, and are now ready to receive the Governor and Council in the representatives' room to compare the proceedings of the two houses and to complete said appointment. On motion, Ordered, that the Sec'y inform the House that the Governor and Council will immediately attend in the representatives' room to compare the proceedings of the two houses in relation to the election of Senator and complete said election. The Governor and Council and House of Representatives met in Joint Committee in the representatives' room and transacted the following business as appears from the Journal of their Clerk, to wit: "In Joint Committee October 21, 1824. Pursuant to a concurrent resolution of both houses, His Excellency the Governor, the Council and the House of representatives,

met in Joint Committee in the representatives' room, for the purpose of comparing their respective ballots for a Senator in Congress, for the term of six years from and after the third day of March next. The respective Journals of the two Houses were read, and it appeared that the Hon. Dudley Chace had a majority of the whole number of votes in each House for the office of Senator as aforesaid. Whereupon the said Dudley Chace was declared duly elected to said office, of which proclamation was duly made.

NORMAN WILLIAMS, *Clerk.*"

The Governor and Council returned to their Chamber. Adjourned to 9 O'clock to morrow morning.¹

FRIDAY, October 22^d. 1824. 9 O'clock A. M.

The Governor and Council met pursuant to adjournment. The House sent up the following resolution for concurrence to wit, "In General Assembly October 21, 1824. Resolved, the Governor and Council concurring herein, that both Houses meet in the representatives' room to morrow morning at 10 O'clock for the purpose of electing a Warden and Superintendent of the Vermont State prison for the year ensuing," which was read, whereupon resolved to concur in passing this resolution and the Sec^y was ordered to inform the House accordingly. The Governor and Council attended in the representatives' room to elect a Warden and Superintendent of the Vermont State prison, after which they returned to their Chamber.²

The House sent up the following for concurrence to wit, "A Communication from the Sec^y of State," with an order of the House thereon that the same be referred to the committee raised on that part of the Governor's Speech which relates to the deaf and dumb; whereupon resolved to Concur in said order of reference. Also the petition of Ira Eaton and others, and of the Selectmen of Roxbury, with an order of the House on each, that the same be referred to the Land tax Committee; whereupon resolved to Concur in said orders of reference. Also The petition of Charles Sweeney, with an order of the House thereon, that the same be referred to a select Committee of 4 to join; whereupon resolved to Concur in said order of reference and Mr. Langdon is appointed from Council. Also The petition of Zacheus Cook, with an order of the House thereon that the same be referred to a Committee of 4 to join; whereupon resolved to concur in said order of reference and Mr. Dana of Caledonia is appointed from Council. Also The petition of Francis and Sally Kidder with an order of the House thereon that the

¹ On this occasion, the editor of these volumes witnessed for the first time an election of United States Senator on the part of the General Assembly, and noticed an incident which is worth recording. The principal, if not the only, candidates were Dudley Chase of Randolph, and Samuel Prentiss of Montpelier, both of whom were members of the General Assembly, and sat side by side, in one of the desks for two members, during the election. This was significant evidence that the contest was a friendly one on the part of the candidates; and it is not unreasonable to suppose that this incident aided in the election of Senator Prentiss in 1830, as the successor of Senator Chase.

² Jabesh Hunter was elected Warden, and John H. Cotton Superintendent.

same be referred to a Committee of 4 to join; whereupon resolved to Concur in said order of reference, and Mr. Berry is appointed from Council. Also The petition of Elisha A. Fowler, with an order of the House thereon that the same be referred to a Committee of 4 to join; whereupon resolved to Concur in said order of reference and Mr. Proctor is appointed from Council. Also The petition of Nathan Niles and others, with an order of the House thereon that the same be referred to the Committee raised on the petition of Elisha Boardman; whereupon resolved to Concur in said order of reference. Also The Remonstrance of the Selectmen of Bradford, with an order of the House thereon that the same be referred to the Committee raised on the bill entitled "An act to establish a jurisdictional line between the towns of Bradford, Fairlee and West Fairlee;" whereupon resolved to Concur in said order of reference. Also the petition of sundry inhabitants of Middlesex with an order of the House thereon, that the same be referred to the Committee raised on the bill entitled "An act forming a new town out of the towns of Bakersfield, Belvidere" &c.: whereupon resolved to Concur in said order of reference. Also the Remonstrance of Sundry inhabitants of Coits's Gore, with an order of the House thereon, that the same be referred to the Committee raised on the bill entitled "An act forming a new town out of the towns of Bakersfield," &c.; whereupon Resolved to concur in said order of Reference. Also the petition of Russell Loomis, with an order of the House thereon, that the same be referred to the Committee on education; whereupon resolved to concur in said order of reference. Also the petition of Horace Hollister, with an order of the House thereon that the same be referred to the Military Committee; whereupon resolved to concur in said order of reference. Also "An act directing the Treasurer to pay John Fox the sum therein mentioned," with an order of the House thereon that the same be referred to the Committee of Claims; whereupon resolved to concur in said order of reference. Also The petitions of Truman Chittenden and of James Steele, with an order of the House thereon that the same be referred to the Committee of New trials; whereupon resolved to concur in said orders of reference. Also the petition of the Selectmen of Wells, and the Report of the State Treasurer, with an order of the House thereon that the same be referred to the Committee of Ways and Means; whereupon resolved to concur in said order of reference.

The House sent up the following resolution for concurrence to wit—"In General Assembly Oct^r 21, 1824. Resolved, the Governor and Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of passing a law, the effect of which will be, that all pensioners, under the act of Congress passed March 18, 1818, and the several acts supplementary thereto, may lay out their pension in durable property, either real or personal, for the support of themselves and family, and said property not to be subject to meane process, or final execution; and still such pensioner be entitled to all the privileges in case of jail delivery, that they would otherwise have had, and report by bill or otherwise," which was read; whereupon resolved to concur in passing this resolution. The House sent up the following resolution for concurrence to wit, "In General Assembly October 21, 1824. Resolved, the Governor and Council concurring herein, that the General Committee be instructed to take into consideration the expediency of so altering the laws, that the Grand List of this State shall be made up on property owned or possessed, on the first day of April annually, and report by bill or otherwise," which was read; whereupon Resolved to concur in passing this resolution. The House sent up the following resolution for concurrence to wit, "Resolved, the Governor and Council

concurring herein, that the General Committee be directed to inquire into the expediency of taxing bank stock," which was read; whereupon resolved to concur in passing this resolution. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment. Adjourned to 9 O'clock to morrow morning.

SATURDAY October 23, 1824. 9 O'clock A. M.

The Governor and Council met pursuant to adjournment. The House sent up the following resolution for concurrence to wit, "In General Assembly October 21, 1824. Resolved, the Governor and Council concurring herein, that his Excellency the Governor be, and he hereby [is] authorised to appoint two Commissioners to meet and confer with the Directors of the American Asylum, and Commissioners from the States of Massachusetts, New Hampshire, Maine and Rhode Island, or of such States as may appoint Commissioners on the subject of appointing or making provision for the education of the deaf and dumb of this State at said Asylum, and to make report of their doings at the next session of the Legislature," which was read; whereupon Resolved to concur in passing this resolution, and the Sec^y was ordered to inform the House accordingly. The House sent up the following resolution for concurrence to wit, "In General Assembly October 22, 1824. Resolved, the Governor and Council concurring herein, that the Committee of New trials, to whom was referred the bill entitled "An act for the relief of Leonard Deming," be and are hereby directed to report to this House all the material facts therein referred to in said bill; also to report their opinion what the result of the cause would probably have been, had all the facts, now exhibited to the Committee, been before the Auditors who tried said cause; also to report whether said Deming has any other remedy to obtain justice in said cause, in case he has not obtained it, except it be at this legislature," which was read; whereupon Resolved to concur in passing this resolution.

The House sent up the following engrossed bills for revision and concurrence &c. to wit—"An act for the relief of Mary Goulett," which was read; whereupon resolved to concur with the House in passing this bill. Also the bill entitled "An act directing the Treasurer to pay Paul Chace the sum therein mentioned," which was read; whereupon resolved to concur with the House in passing this bill. Also The bill entitled "An act directing the Treasurer to pay Paul Chace the sum therein mentioned," which was read; whereupon resolved to concur with the House in passing this bill. [There were two bills of the same title.] Ordered that the Sec^y inform the House of the passage of the three bills last mentioned. Also The petition of Gideon Burrett, with an order of the House thereon, that the same be referred to the Committee of Claims; whereupon resolved to concur in said order of reference. Also The petition of the Corporation of the University of Vermont, with an order of the House thereon, that the same be referred to a Select Committee of six to join; whereupon resolved to concur in said order of reference—and M^r Merrill is appointed from Council. Also The petition of Samuel Brooks Jun^r and others, with an order of the House thereon, that the same be referred to the Committee of New trials; whereupon resolved to concur in said order of reference. Also The petition of Paul W. Kimpton, with an order of the House thereon, that the same be referred to the Committee of Insolvency; whereupon resolved to concur

in said order of reference. Also "An act organizing a rifle Company at Benson in the County of Rutland," with an order of the House thereon that the same be referred to the Military Committee; whereupon resolved to concur in said order of reference.

Resumed the consideration of the bill entitled "An act directing the mode of appointing electors of President and Vice President," and on motion of M^r. Wetmore the same was ordered to lye on the table.

The House sent up the following resolution for concurrence to wit: "In General Assembly October 22, 1824. Resolved, the Governor and Council concurring herein, that the General Committee be directed to enquire into the expediency of authorizing the Judges of the County Court in their respective Counties to grant licenses for the retailing of foreign distilled Spirits in a less quantity than one pint, and that they have leave to report by bill or otherwise," which was read; whereupon resolved to concur in passing this resolution. The House sent up the following resolution for concurrence, to wit: "In General Assembly October 22, 1824. Resolved, the Governor and Council concurring herein, that the General Committee be instructed to inquire into the expediency of passing a law the effect of which will be to cause all land in the State to be appraised and set in the Grand list at a certain per cent. subject to taxes of every description, and report [by] bill or otherwise," which was read; whereupon resolved to concur in passing this resolution. Received from the House the bill entitled "An act to establish a jurisdictional line between the towns of Bradford, Fairlee and West Fairlee," with an order of the House thereon, that the same be referred to a Select Committee of 4 to join; whereupon resolved to concur in said order of reference, and M^r. Dana of C. is appointed from Council. Adjourned to 2 Oclock P. M.

2 OCLOCK P. M.—The Lieut. Governor and Council met pursuant to adjournment—the Lieut. Governor in the chair. Adjourned to Monday next 9 Oclock A. M.

MONDAY October 25, 1824. 9 Oclock A. M.

The Lieut. Governor and the Council met pursuant to adjournment—the Lieut. Governor in the chair. The House sent up the following resolution for concurrence to wit: "In General Assembly Oct^r 23, 1824. Resolved, the Governor and Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of repealing an act, passed October 21, 1823, which act repeals the proviso of the eighth article of the first section of the law relating to a legal settlement and for the support of the poor, passed November 4, 1817, and report by bill or otherwise,"—which was read, whereupon resolved to concur in passing this resolution. The House sent up the following resolution for concurrence to wit: "In General Assembly October 23, 1824. Resolved, the Governor and Council concurring herein, that the General Committee be instructed to enquire into the expediency of repealing the act which provides for the sealing of leather so far as relates to the weighing and marking thereon the weight of the same, and make report by bill or otherwise," which was read, whereupon resolved to concur in passing this resolution. The House sent up the following resolution for concurrence to wit: "In General Assembly October 23, 1824. Resolved, the Governor and Council concurring herein, that the Committee of Ways and Means be instructed to report a bill for the compensation of the Superintendant of the Vermont State prison for his

services for the past year," which was read; whereupon resolved to concur in passing this resolution. The House sent up the following resolution for concurrence to wit, "Resolved, the Governor and Council concurring herein, that the turnpike Committee be instructed to enquire into the expediency of granting to the town of Sharon in the County of Windsor the privilege of keeping a ferry across White river at the place where the County road from Sharon and Woodstock crosses said river; also allowing said town of Sharon a further time of two years to make said road," which was read; whereupon Resolved to concur in passing this resolution. The House sent up the following resolution for concurrence to wit, "In General Assembly October 23, 1824. Resolved, the Governor and Council concurring herein, that the General Committee be instructed to enquire into the expediency of making a lumber law to wit, on shingles, that there may be inspectors of the same," which was read; whereupon resolved to concur in passing this resolution. The House sent up the following resolution for concurrence to wit, "In General Assembly October 23, 1824. Resolved, the Governor and Council concurring herein, that the General Committee be instructed to enquire into the propriety of passing a law, to compel persons, who are going through the State, exhibiting any live animal, wax figures or natural curiosities, to pay a license to the Treasury of this State; and report by bill or otherwise," which was read, whereupon resolved to concur in passing this resolution. The House sent up the following resolution for concurrence to wit, "In General Assembly October 23, 1824. Resolved, the Governor and Council concurring herein, that both houses meet in Joint Committee in the representatives' room on Wednesday next at two O'clock P. M. for the purpose of electing a Judge of the Supreme Court, to fill the vacancy occasioned by the resignation of the Hon. Charles K. Williams," which was read; whereupon resolved to concur in passing this resolution and the Sec^y was ordered to inform the House accordingly.

The House sent up the following for concurrence in the reference to wit, The memorial of the Corporation of Middlebury College, with an order of the House thereon that the same be referred to the Committee on education; whereupon resolved to concur in said order of reference. Also "An act to establish the weight of corn, rye and oats," with an order of the House thereon, that the same be referred to the Committee of Ways and Means; whereupon resolved to concur in said order of reference. Also "An act establishing a bank at Orwell," with an order of the House thereon, that the same be referred to the committee raised on the petition of Samuel Strong and others; whereupon resolved to concur in said order of reference. Also "An act empowering William Daulby and Edward Gregson to hold lands in this State," with an order of the House thereon, that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference. Also "An act in addition to and explanatory of an act reducing into one the several acts for laying out, making, repairing and clearing highways," with an order of the House thereon, that the same be referred to the General Committee; whereupon resolved to concur in said order of reference. Also "An act in addition to an act entitled an act defining what shall be deemed and adjudged legal settlement, and for the support of the poor, for designating the duties of the overseers of the poor and for the punishment of idle and disorderly [persons,] passed March 3^d 1797," with an order of the House thereon, that the same be referred to the General Committee; whereupon resolved to concur in said order of reference. Also The remonstrance of Mills De Forest, of Andrew Lyman and others, with an order of the House on each, that the same be refer-

red to the Land tax Committee; whereupon resolved to concur in said orders of reference. Also The petition of the inhabitants of Bridgewater, with an order of the House thereon that the same be referred to the Turnpike Committee; whereupon resolved to concur in said order of reference. Also "An act in addition to an act entitled an act authorising the Visitors of the State prison to procure a bell, and for other purposes, passed October 31, 1811," with an order of the House thereon that the same be referred to the Committee of Ways and Means; whereupon resolved to concur in said order of reference. Also "An act directing the Treasurer to pay George P. Marsh the sum therein mentioned." Also "An act directing the Treasurer to pay Clapp Bolls the sum therein mentioned." Also "An act directing the Treasurer to pay George S. Ferriss and David Hurlburt Junr. the sum therein mentioned," with an order of the House on each, that the same be referred to the Committee of Claims; whereupon resolved to concur in said orders of reference. Adjourned to 2 Oclock P. M.

2 OCLOCK P. M.—His Honor the Lieut. Governor and the Council met pursuant to adjournment, the Lieut. Governor in the chair. The House sent up the petition of George W. Foster and others, with an order of the House thereon, that the same be referred to the Military Committee; whereupon resolved to concur in said order of reference.

The House sent up for revision and concurrence &c. the bill entitled "An act directing the mode of appointing electors of President and Vice President of the United States," which was read; whereupon resolved to concur with the House in passing this bill, and the Sec^y was ordered to inform the House of the same.

The petition of Levi Kimball and others, praying to have the 3^d. Regiment in the first Brigade and 2^d. Division annexed to the 2^d. Brigade in the first Division, was called up, read and on motion of Mr. Wetmore, committed to a committee of two, and Messrs. Roberts and Holley were appointed. Adjourned to 9 Oclock to morrow morning.

TUESDAY October 26, 1824. 9 Oclock A. M.

His Honor the Lt. Governor and the Council met pursuant to adjournment, the Lieut. Governor in the chair. The House sent up the following for concurrence in the reference to wit, "An act directing the Quarter Master General to furnish a field piece &c. for the company of artillery attached to the 3^d. Brigade and 3^d. Division of the militia," with an order of the House thereon that the same be referred to the Military Committee; whereupon resolved to concur in said order of reference. Also "An act directing the Treasurer to pay Joshua Y. Vail the sum therein mentioned." Also "An act directing the Treasurer of this State to pay John Kellogg the sum therein mentioned," with an order of the House on each, that the same be referred to the Committee of Claims; whereupon resolved to concur in said orders of reference. Also "An act for the relief of poor debtors," with an order of the House thereon, that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference. The House sent up the following for concurrence in the reference to wit, The petition of Zebulon R. Shepard, with an order of the House thereon that the same be referred to the Committee on Manufactures; whereupon resolved to concur in said order of reference. Also The petition of Jeremiah Nourse with an order of the House thereon, that the same be referred to the Committee raised on the bill entitled "an act forming a new town out of the

towns of Bakersfield, Belvidere and Coit's Gore, in the County of Franklin;" whereupon resolved to concur in said order of reference.

The House sent up the following resolution for concurrence to wit, "In General Assembly October 25, 1824. Resolved, the Governor and Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of repealing the second section of an act entitled "An act in alteration of the act which regulates proceedings in suits against corporations," passed 16. Nov^r 1821, and to report by bill or otherwise," which was read; whereupon resolved to concur in passing this resolution.

The House sent up the following for revision and concurrence &c. to wit, "An act in addition to an act dividing the State into districts for electing representatives to the Congress of the United States and directing the mode of their election," which was read; whereupon amendments were proposed to the same which were read and adopted; whereupon resolved to concur with the House in passing this bill, with proposed amendments, and Mr. Wetmore is appointed to assign the reasons to the House. Also "An act granting a ferry to Elisha Boardman," which was read; whereupon resolved to concur with the House in passing this bill. Also, "An act granting a ferry to Eli Allen," which was read; whereupon resolved to concur with the House in passing this bill. Also "An act to preserve pickerel in Fairlee pond in the County of Orange," which was read; whereupon resolved to concur with the House in passing this bill—ordered that the Sec^y inform the House of the passage of the three bills last mentioned.

The House sent up the following resolution for concurrence to wit, "In General Assembly October 23, 1824. Resolved, the Governor and Council concurring herein, that thursday the second day of December next, be appointed a day of public thanksgiving and praise throughout this State," which was read; whereupon resolved to concur with the House in passing this resolution. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment. Adjourned to 9 O'clock to morrow morning.

WEDNESDAY October 27, 1824. 9 O'clock A. M.

The Governor and Council met pursuant to adjournment. On motion of Mr. Wetmore, voted to reconsider the vote concurring in the resolution appointing thursday the 2^d day of December next as a day of thanksgiving—and on motion of Mr. Wetmore the resolution was amended; whereupon resolved to concur in passing this resolution with said amendments and Mr. Wetmore is appointed to assign reasons to the House.

The House sent up the following for revision and concurrence &c. to wit "An act for compensating the Superintendant of the Vermont State prison," which was read; whereupon resolved to concur with the House in passing this bill. Ordered that the Sec^y inform the House accordingly.

The House sent up the following for concurrence in the reference to wit—The Remonstrance of Moses Robinson and others, with an order of the House thereon that the same be referred to the Land tax Committee; whereupon resolved to concur in said order of reference. Also The petition of Thomas Todd and others, with an order of the House thereon that the same be referred to the Committee of Claims; whereupon resolved to concur in said order of reference. Also The "Act directing the Selectmen of Dorsett to pay Truman Laphis the sum therein mentioned." Also The "Act for the relief of the town of Vershire,"

with an order of the House on each that the same be referred to the Committee of Claims ; whereupon resolved to concur in said orders of reference. Also "An act to establish a jurisdictional line between Randolph and Bethel," with an order of the House thereon that the same be referred to the Committee raised on the bill entitled "An act establishing a jurisdictional line between the towns of Bradford, Fairlee and West Fairlee" ; whereupon resolved to concur in said order of reference. Also "An act establishing a rifle Company in Williamstown," with an order of the House thereon that the same be referred to the Military Committee ; whereupon resolved to concur in said order of reference. Also "An act regulating the toll of one horse waggons at the West river bridges in Brattleboro and Dummerston," with an order of the House thereon, that the same be referred to the turnpike Committee ; whereupon resolved to concur in said order of reference. Also "An act in addition to the several acts concerning the sealing of leather," with an order of the House thereon, that the same be referred to the General Committee ; whereupon resolved to concur in said order of reference. Also the House sent up the following resolution for concurrence to wit, "In General Assembly Oct^r 26, 1824. Resolved, the Governor and Council concurring herein, that the General Committee be instructed to enquire into the expediency of giving a bounty for the destruction of bears and the animal called the Lynx," which was read ; whereupon resolved to concur with the House in passing this resolution.

The House sent up the following resolution for concurrence to wit, "In General Assembly October 26, 1824. Resolved, the Governor and Council concurring herein, that the two houses meet in Joint Committee, in the representatives' room, on tuesday the 2^d day of November next at 10 O'clock A. M. for the purpose of electing seven Electors of President and Vice President of the United States," which was read, whereupon resolved to concur with the House in passing this resolution. The House sent up the following resolution for concurrence to wit, "In General Assembly October 26, 1824. Resolved, that the Military Committee be instructed to enquire into the expediency of passing a law, authorising the Brigadier General of each Brigade in this State, on a recommendation of a majority of the field officers of any regiment in such brigade, to authorise the formation of such number of light infantry Companies in each regiment as he shall think proper, and that they have leave to report by bill or otherwise," which was read, whereupon resolved to concur in passing this resolution. The House sent up the following resolution for concurrence to wit, "In General Assembly Oct^r 26, 1824. Resolved, that the Committee on education be directed to enquire into the expediency of granting a lottery to the Vermont academy of medicine, for the purpose of defraying the expenses of their building ; and of an apparatus and library for the benefit of said institution ; and report by bill or otherwise," which was read ; whereupon resolved to concur in passing this resolution. The House sent up the following resolution for concurrence to wit, "Resolved, the Governor and Council concurring herein, that the General Committee be instructed to enquire into the expediency of compiling the several acts ascertaining the principles on which the list of this State shall be made and directing listers in their office and duty ; and report by bill or otherwise," which was read, whereupon resolved to concur in passing this resolution.

The House sent up the following for revision and concurrence or proposals of amendment to wit, the bill entitled "An act to preserve the fish in Shrewsbury pond," which being read, amendments were proposed to the same which were read and adopted ; whereupon resolved to con-

cur with the House in passing this bill with said proposed amendments, and Mr. Wetmore is appointed to assign reasons to the House. Also "An act granting a ferry to Wallis, John and Lewis Mott," which was read; whereupon resolved to concur with the House in passing this bill. Also "An act appointing a collector in the town of Wells," which was read; whereupon resolved to concur with the House in passing this bill. Also "An act altering the name of Sarah Hopkins," which was read; whereupon resolved to concur in passing this bill. Also "An act directing the Treasurer to pay John Fox the sum therein mentioned," which was read; whereupon resolved to concur with the House in passing this bill. Also "An act directing the Treasurer to pay Lemuel Cobleigh the sum therein mentioned," which was read; whereupon resolved to concur with the House in passing this bill. Ordered that the Sec^y inform the House of the passage of the five bills last mentioned. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment. Received from the House of Representatives a communication informing that the House have agreed to the amendment proposed by the Governor and Council to the bill entitled "An act in addition to an act dividing the State into Districts for electing representatives to the Congress of the United States and directing the mode of their election."

The Governor and Council attended in the House of Representatives to elect a Judge of the Supreme Court to supply the vacancy occasioned by the resignation of the Hon. Charles K. Williams, after which they returned to their Chamber.¹

The House sent up for revision and concurrence or proposals of amendment the bill entitled "An act establishing a female academy in St. Johnsbury," which was read, whereupon resolved to concur with the House in passing this bill. Ordered that the Sec^y inform the House of the passage of the last mentioned bill. Adjourned to 9 O'clock to morrow morning.

THURSDAY October 28, 1824. 9 O'clock A. M.

The Governor and Council met pursuant to adjournment. The House sent up the following for concurrence to wit, The petition of William Douglas and the remonstrance of M. R. Meacham, with an order of the House on each that the same be referred to the Committee raised on the petition of Elisha Boardman; whereupon Resolved to concur in said order of reference. Also The Remonstrance of Isaac Griswold, with an order of the House thereon that the same be referred to the Committee raised on the bill entitled "An act forming a new town out of the towns of Bakersfield, Belvidere and Coit's Gore in the County of Franklin;" whereupon resolved to concur in said order of reference.

The House sent up the following resolution for concurrence to wit, "In General Assembly October 27, 1824. Resolved, the Governor and Council concurring herein, that the General Committee be instructed to enquire into the expediency of providing by law, that no retailer of foreign distilled spirits shall be licensed, without having first obtained the approbation of a majority of the selectmen and civil authority of the town in which such retailer is doing business," which was read, whereupon resolved to concur in passing this resolution.

The House sent up the following bill for revision and concurrence or

¹ Hon. Joel Doolittle was elected.

proposals of amendment to wit, "An act to incorporate the President, Directors and Company of the Bank of Rutland"; which was read and on motion of Mr. Berry the same was referred to a Committee of two; and Messrs. Berry and Butler was [were] appointed said Committee.

Mr. Stanley moved to reconsider the vote dismissing the petition of Reuben Rollins, and the question was put and decided in the negative. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment. Mr. Wetmore on motion obtained leave and introduced a bill entitled "An act to repeal in part and making further addition to an act entitled an act to regulate the inspection of provisions intended to be exported from this State, passed October 31, 1823," which was read and ordered to lie on the table. Adjourned to 9 O'clock to morrow morning.

FRIDAY October 29, 1824. 9 O'clock A. M.

The Governor and Council met pursuant to adjournment. The Governor and Council attended in the House of representatives to make further appointments of County officers, after which they returned to their Chamber.

Benjamin Swan, Esquire, Treasurer of this State, appeared in the Council Chamber and presented his official [bond,] which was approved by the Governor and Council, and he was duly qualified by His Excellency the Governor.

The House sent up the following for revision and concurrence or proposals of amendment to wit, "An act for the relief of the town of St. George," which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House of the same.

The House sent up the following for concurrence in the reference to wit, "An act to repeal an act therein mentioned," which was read, and there was an order of the House upon it, that the same be referred to the General Committee; whereupon resolved to concur in said order of reference. Also "An act to regulate the driving of teams," Also "An act in addition to an act entitled an act reducing into one the several acts for laying out, making, repairing and clearing highways," with an order of the House on each, that the same be referred to the General Committee; whereupon resolved to concur in said orders of reference. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment. Resumed the consideration of the bill entitled "An act to incorporate the President, Directors and Company of the Bank of Rutland," and the Committee to whom the same was referred reported amendments which were read, and said amendments and bill were ordered to lie on the table. Adjourned to 9 O'clock to morrow morning.

SATURDAY October 30, 1824. 9 O'clock A. M.

The Governor and Council met pursuant to adjournment. The House sent up the following for revision and concurrence or proposals of amendment to wit, "An act granting to Asahel Barnes the exclusive right of a ferry," which was read; whereupon resolved to concur in passing this bill. Also "An act laying a tax of two cents per acre on the town of Stamford," which was read; whereupon resolved to concur in

passing this bill. Also "An act laying a tax of three cents per acre on the town of Readsboro," which was read; whereupon resolved to concur in passing this bill. Also "An act directing the Treasurer to pay Calvin Robinson the sum therein mentioned," which was read; whereupon resolved to concur in passing this bill. Also "An act directing the Treasurer of this State to pay William Trumbull the sum therein mentioned," which was read; whereupon resolved to concur in passing this bill. Ordered, that the Sec^y inform the House of the passage of the five bills last mentioned.

The House sent up the following for concurrence in the reference to wit—"An act providing for the appointment of Surveyors of Wood," and "An act to preserve bridges," with an order of the House on each, that the same be referred to the General Committee; whereupon resolved to concur in said orders of reference. Also "An act to preserve the fish in the several waters in the town of Braintree in the County of Orange," with an order of the House thereon, that the same be referred to a Select Committee of three to join; whereupon resolved to concur in said order of reference, and Mr. Dana of O. is appointed from Council. Also "An act in addition to an act for the support of schools," with an order of the House thereon, that the same be referred to the Committee on education; whereupon resolved to concur in said order of reference. Also "An act appointing a Collector in the town of Fairhaven," with an order of the House thereon that the same be referred to the Committee of Ways and Means; whereupon resolved to concur in said order of reference. Also The petition of Israel Whitney with an order of the House thereon that the same be referred to the Committee raised on the petition of Elisha Boardman; whereupon resolved to concur in said order of reference. Also The petition of sundry inhabitants of Reading, with an order of the House thereon that the same be referred to the Turnpike Committee; whereupon resolved to concur in said order of reference.

The House sent up the following resolution for concurrence to wit, "In General Assembly October 29, 1824. Resolved, the Governor and Council concurring herein, that the General Committee be instructed to enquire into the expediency of making up the school tax upon all polls and rateable property in this State," which was read; whereupon resolved to concur in passing this resolution. The House sent up the following resolution for concurrence to wit, "In General Assembly October 29, 1824. Resolved, the Governor and Council concurring herein, that the General Committee be directed to enquire into the expediency of providing by law, that all polls shall be subject to pay highway taxes; and report by bill or otherwise," which was read; whereupon resolved to concur in passing this resolution. The House sent up the following resolution for concurrence to wit, "In General Assembly October 29, 1824. Resolved, the Governor and Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of providing by law, that vendue titles hereafter acquired shall operate only as mortgages after the time of redemption given by the present laws shall have expired, or of giving an additional period of five or ten years in which the owner may redeem his land, by paying the tax and cost and twelve or twenty per cent. interest thereon, and not at all events lose his land; and make report by bill or otherwise," which was read; whereupon Resolved to concur in passing this resolution. The House sent up the following resolution for concurrence to wit, "In General Assembly October 29, 1824. Resolved, the Governor and Council concurring herein, that both houses meet in the representatives' room on tuesday next at 2 O'clock P. M. for the purpose of electing three Directors of the Vermont State bank; and also a person to preach the next

election sermon; and also a Surveyor General," which was read; whereupon resolved to concur in passing this resolution.

Resumed the consideration of the bill entitled "An act to incorporate the President, Directors and Company of the Bank of Rutland," and the several amendments proposed—and the same was ordered to lye on the table.

The House sent up the following for concurrence in the reference to wit—"An act amending the act concerning paupers." Also "An act in addition to an act concerning forcible entry and detainer," with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to concur in said orders of reference. Adjourned to 2 Oclock P. M.

2 OCLOCK P. M.—The Governor and Council met pursuant to adjournment. Resumed the consideration of the bill entitled "An act to incorporate the President, Directors and Company of the Bank of Rutland," and after some debate, the same was ordered to lye on the table. Adjourned to 9 Oclock Monday morning next.

MONDAY November 1, 1824. 9 Oclock A. M.

The Governor and Council met pursuant to adjournment. The House sent up the following bills for revision and concurrence or proposals of amendments, to wit. "An act incorporating the Norwich fire Company," which was read; whereupon resolved to concur in passing this bill. Also "An act directing the Treasurer of this State to credit the collector of state taxes for the town of Thetford the sum therein mentioned," which was read; whereupon resolved to concur in passing this bill. Also "An act establishing the Marshfield rifle Company," which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House of the passage of the three bills last mentioned.

Rec^d from the House a communication, informing that the House have concurred in the amendment proposed by the Governor and Council to the joint resolution appointing a day of thanksgiving — also in the amendment proposed by the Governor and Council to the bill entitled "An act to preserve the fish in Shrewsbury pond."

The House sent up the following resolution for concurrence to wit, "In General Assembly October 30, 1824. Resolved, the Governor and Council concurring herein, that the Judiciary Committee be instructed to inquire into the propriety of providing some measure, by which the several towns in this state may prevent paupers gaining a settlement who shall remove into such towns from without this State; and report by bill or otherwise," which was read, whereupon resolved to concur in passing this resolution.

The House sent up the following for concurrence in the recommitment to wit—A resolution of the 22^d ult. introduced into the House by Mr. Ingham, instructing the General Committee upon the subject of taxing wild lands, and the report of the Committee thereon.—Also the resolution of the 26. ult. introduced into the House by Mr. Hibbard, instructing the General Committee upon the subject of giving bounties for bears and Lynx and the report of the Committee thereon — with an order of the House on each that the same be recommitted to the General Committee; whereupon resolved to concur in said orders of recommitment. The House sent up the following for concurrence in the reference to wit, The petition and remonstrance of the inhabitants of Williamstown, with

an order of the House thereon that the same be referred to the Military Committee; whereupon resolved to concur in said order of reference. Also the resolution of the Legislature of the State of Maine—the resolution of the Legislature of the State of Georgia—and the Communication from the executive of the State of Ohio, with an order of the House on each, that the same be referred to the Committee raised upon the resolution of the 18. of Oct^r upon the subject of proposing amendments to the Constitution of the United States; whereupon resolved to concur in said order of reference.¹ Also “An act granting a ferry from Burlington across the lake and for other purposes,” with an order of the House thereon that the same be referred to a Select Committee of three to join; whereupon resolved to concur in said order of reference and M^r. Chittenden is appointed from Council. Also The petition of Asa Dodge Jun^r with an order of the House thereon that the same be recommitted to the Committee of Claims; whereupon resolved to concur in said order of recommitment. Also “An act for the relief of Richard L. Dickerman,” with an order of the House thereon, that the same be referred to a Select Committee of 4 to join; whereupon resolved to concur in said order of reference and M^r. Dana of C. is appointed from Council. Also The petition of Thomas Mooney, with an order of the House thereon that the same be recommitted to the Committee of Ways and Means, whereupon resolved to concur in said order of recommitment. Also the Statement by the Treasurer of the return of the agent of the Vermont State Bank, with an order of the House thereon, that the same be referred to the Committee of Ways and Means; whereupon resolved to concur in said order of reference.

Resumed the consideration of the bill entitled “An act to repeal in part and in addition to an act entitled ‘an act to regulate the inspection of provisions intended to be exported from this State, passed October 31, 1823,’” which was read and passed and ordered to be sent to the House of representatives for their concurrence.

M^r. Langdon on motion, obtained leave, and introduced a bill entitled “An act making compensation to the Committees therein mentioned,” which was read and ordered to lye on the table. Adjourned to 2 Oclock P. M.

2 OCLOCK P. M.—The Governor and Council met pursuant to adjournment. Resumed the consideration of the bill entitled “An act to incorporate the President, Directors and Company of the Bank of Rutland,” and the several proposed amendments were read and adopted; whereupon resolved to concur with the House in passing this bill with said proposed amendments and M^r. Berry is appointed to assign reasons to the House. Adjourned to 9 Oclock to morrow morning.

TUESDAY November 2, 1824. 9 Oclock A. M.

The Governor and Council met pursuant to adjournment. Rec^d from the House a communication informing that the House have concurred in the amendments proposed by the Governor and Council to the bill entitled “An act to incorporate the President, Directors and Company of the Bank of Rutland.”

The House sent up the following resolution for concurrence to wit, “In General Assembly November 1, 1824. Resolved, the Governor and

¹ On admission of any person of color to, or egress from, any State, contrary to the laws of such State: Georgia being for such an amendment, and Maine and Ohio disapproving it.

Council concurring herein, that the Committee of Manufactures be instructed to enquire into the expediency of exempting the Workmen in Cotton and Woollen factories from military duty," which was read; whereupon resolved to concur in passing this resolution. The House sent up the following resolution for concurrence to wit, "In General Assembly November 1, 1824. Resolved, the Governor and Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of enacting a law, making it the duty of Manufacturing Companies, incorporated by this State, to give all children employed by said Companies, between the ages of six and fifteen, three months schooling in each year," which was read; whereupon resolved to concur in passing this resolution. The House sent up the following resolution for concurrence to wit—"In General Assembly Nov^r 1, 1824. Resolved, the Governor and Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of making an act in addition to the several acts, where execution is extended on real estate, that the creditor shall begin at one end or one side of the debtor's farm or lot to set off; and report by bill or otherwise," which was read; whereupon resolved to concur in passing this resolution. The House sent up the following resolution for concurrence to wit, "In General Assembly October 30, 1824. Resolved, that that part of his Excellency's Speech relating to certain resolutions from the States of Ohio, Tennessee, Alabama and Mississippi be referred to a Committee of four members to join from Council, and that they report to this House," which was read; whereupon resolved to concur with the House in passing this resolution.¹

The House sent up the following for concurrence in the reference to wit—The petition of Jacob Lyon and others, with an order of the House thereon, that the same be referred to the Members of Bennington County to join; whereupon resolved to concur in said order of reference and M^r Merrill is appointed from Council. Also "An act directing the Treasurer to pay Bingham Lasel the sum therein mentioned," with an order of the House thereon that the same be referred to the Committee of Claims; whereupon resolved to concur in said order of reference. Also "An act directing the Treasurer to pay Charles Hall the sum therein mentioned." Also "An act directing the Treasurer to pay Joseph Weeks the sum therein mentioned," with an order of the House on each that the same be referred to the Committee of claims; [concurred in.] Also "An act appointing a committee to resurvey and lay out a road from Danville court-house to the east line of Glover," with an order thereon that the same be referred to the Turnpike Committee; whereupon resolved to concur in said order of reference. Also, "An act relating to Probate Courts," with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference.

M^r Butler, on motion, obtained leave and introduced a bill entitled "An act to incorporate the President, Directors and Company of the

¹ Ohio was for the emancipation of slaves by colonization, Tennessee was for "the Monroe doctrine" against the Holy Alliance—in both of which propositions Vermont sympathized; Tennessee condemned Congressional caucus nominations for President and Vice President, and Alabama recommended Gen. Andrew Jackson for President, on which Vermont declined to express any opinion. The committee was subsequently discharged from further consideration of these matters.

Bank of Montpelier," which was read; whereupon resolved to pass this bill. Ordered that the same be sent to the House for their concurrence.

Mr. Berry, on motion, obtained leave and introduced a bill entitled "An act to incorporate the President, Directors and Company of the Danville Bank," which was read and amended and ordered to lye on the table.

The Governor and Council attended in the representatives' room and appointed electors of president and vice president, after which they returned to their chamber.¹ Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment. Resumed the consideration of the bill entitled "An act to incorporate the President, Directors and Company of the Danville Bank," which was read; whereupon resolved to pass this bill. Ordered that the same be sent to the House for their concurrence.

Resumed the consideration of the bill entitled "An act making compensation to the Committees therein mentioned," and on motion of Mr. Langdon the same was dismissed.

The petition of Leonard Smith, for pardon, was taken up, read and on motion ordered to be dismissed.

The Governor and Council attended in the House of representatives and appointed Directors of the Vermont State Bank, a person to preach the next election sermon, and a Surveyor General, after which they returned to their Chamber.² Adjourned to 9 O'clock to morrow morning.

WEDNESDAY NOV. 3 1824. 9 O'clock A. M.

The Governor and Council met pursuant to adjournment. The House sent up the following bills for revision and concurrence or proposals of amendment to wit, "An act directing the Treasurer to pay George P. Marsh the sum therein mentioned," which was read; whereupon resolved to concur with the House in passing this bill. Also "An act directing the Treasurer of this State to pay John Kellogg the sum therein mentioned," which was read; whereupon resolved to concur in passing this bill. Also "An act directing the Treasurer to pay Lyman Matteson the sum therein mentioned," which was read; whereupon resolved to concur with the House in passing this bill. Also "An act directing the Treasurer to pay the town of Vershire the sum therein mentioned," which was read; whereupon resolved to concur in passing this bill. Also "An act organizing a rifle Company at Benson in the County of Rutland," which was read; whereupon resolved to concur in passing this bill. Also "An act laying a tax of four cents on each acre of land in the town of Sutton," which was read; whereupon resolved to concur in passing this bill. Also "An act for the relief of Samuel Cleaveland and Samuel Cleaveland Jun." which was read; whereupon resolved to concur in passing this bill. Also "An act restoring Henry June to his legal privileges," which was read; whereupon resolved to concur in passing this bill. Also "An act restoring David Tucker to his legal privileges,"

¹The Electors were Jonas Galusha, Titus Hutchinson, Joseph Burr, John Mason, Jabez Proctor, Asa Aldis, and Dan Carpenter.

²Persons elected: Benjamin Swan, John Jackson and Job Lyman, Directors of the Bank; Rev. Robert Bartlett to preach the election sermon, and Rev. Samuel C. Loveland substitute; and Calvin C. Waller Surveyor General.

which was read; whereupon resolved to concur in passing this bill. Also "An act restoring Cloe Clark to her privileges," which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec'y inform the House of the passage of the ten bills last mentioned. Also "An act directing the Treasurer to pay Clapp Bolles the sum therein mentioned," which was read; whereupon resolved *not* to concur in passing this bill and reasons were assigned in writing—ordered that the Sec'y return said bill and reasons to the House.

The House sent up the petition of Betsy Green, with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference.

The House sent up the following resolution for concurrence to wit, "In General Assembly Nov^r 24. 1824. Resolved, the Governor and Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of passing a law, rendering more certain the process of tendering personal articles in payment of debts, so as to prevent litigation about the same;" which was read; whereupon resolved to concur in passing this resolution.

Mr. Dana of Caledonia County, on motion, obtained leave of absence for the remainder of the session. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment. Mr. Merrill, on motion, obtained leave and introduced a bill entitled "An act for the benefit and encouragement of iron manufactures," which was read and referred to the Committee on Manufactures and ordered to be sent to the House for their concurrence in the reference. Adjourned to 9 O'clock to morrow morning.

THURSDAY November 4, 1824. 9 O'clock A. M.

The Governor and Council met pursuant to adjournment. Resumed the Consideration of the bill entitled "An act directing the Treasurer to pay Noyes Hopkinson the sum therein mentioned," which was read; whereupon resolved to concur in passing this bill—ordered that the Sec'y inform the House of the same.

Resumed the consideration of the bill entitled "An act forming a new town out of the towns of Bakersfield, Belvidere and Coit's Gore in the County of Franklin, by the name of Waterville," which was read and amendments were proposed to the same which were read and adopted; whereupon resolved to concur with the House in passing this bill with said proposals of amendment, and Mr. Wetmore is appointed to assign the reasons of the Governor and Council, who assigned the same in writing. Ordered that the Sec'y return said bill, proposals of amendment and reasons to the House.

The House sent up the following bill for revision and concurrence &c. to wit, "An act fixing a time for holding the Supreme Court in the County of Grand Isle," which was read and committed to Messrs Wetmore, Butler and Merrill for amendment.

The House sent up the following for concurrence in the reference to wit—"An act relating to imprisonment for debt." Also "An act providing for the location and erection of the County buildings in the County of Windham," with an order of the House on each that the same be referred to the Judiciary Committee; whereupon resolved to concur in said orders of reference.

The House sent up the following resolution for concurrence to wit, "In General Assembly Nov^r 1, 1824. Resolved, the Governor and Council concurring herein that a Select Committee of four members from

this House, to join from Council, be appointed for compiling the several acts ascertaining the principles on which the list of this State shall be made and directing the listers in their office and duty, and report by bill or otherwise," which was read; whereupon resolved to concur in passing this resolution and Mr. Berry is appointed from Council.

The House sent up the resolution of the 22^d of October last introduced by Mr. Ingham, upon the subject of taxing wild lands, and the report of the General Committee thereon, with an order of the House that the same be recommitted to the General Committee; whereupon resolved to concur in said order of recommitment. The House sent up the following for concurrence in the reference to wit, "An act in addition to an act entitled an act directing the levying and serving executions," with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference. Also "An act directing the Treasurer of this state to pay Azariah Webb the sum therein mentioned." Also "An act directing the Treasurer to pay Norman Williams the sum therein mentioned," with an order of the House on each that the same be referred to the Committee of Claims; whereupon resolved to concur in said orders of reference. Also The Communication of the Governor to the House, and the correspondence between the Governor and Daniel Webster,¹ with an order of the House that the same be referred to the [a] Committee of four to join; whereupon resolved to concur in said orders of reference, and Mr. Langdon is appointed from Council. Also "An act establishing the permanent seat of the government at Burlington and Windsor," with an order of the House thereon that the same be referred to a Select Committee of six to join; whereupon resolved to concur in said order of reference and Mr. Roberts is appointed from Council. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment. Adjourned to 9 O'clock to-morrow morning.

FRIDAY November 5, 1824. 9 O'clock A. M.

The Governor and Council met pursuant to adjournment. The House sent up the following for concurrence in the reference to wit, The Communication of the Governor to the House accompanied by Mr. Slade's report and compilation of the laws, with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference.

The House sent up the following resolution for concurrence, to wit, "In General Assembly November 4, 1824. Resolved, that the Judiciary Committee be instructed to inquire into the propriety of compelling the creditors to support their poor debtors, when confined in prison, on execution or mesne process, when they are unable to support themselves; and report by bill or otherwise," which was read; whereupon resolved to concur in passing this resolution. The House sent up the following resolution for concurrence to wit, "Resolved, the Governor and Council concurring herein, that the Judiciary Committee be directed to

¹ On the rights of the State touching the royal grants of lands to the Society for the propagation of the Gospel in foreign parts. Mr. Webster had been counsel for the State in the case brought by the town of New Haven.—See printed *Assembly Journal* of 1824, pp. 108–110.

take into consideration the expediency of providing by law for the sale of the equity of redemption on real estate at vendue, and that they have liberty to report by bill or otherwise," which was read; whereupon resolved to concur in passing this resolution.

The House sent up the following for concurrence in the reference to wit, The petition of Amos Brown and others, with an order of the House thereon, that the same be referred to a select Committee of four to join; whereupon resolved to concur in said order of reference and Mr. Merrill is appointed from Council. Also the petition of Cyrus Canfield and others, with an order of the House thereon that the same be referred to a committee [of four] to join; whereupon resolved to concur in said order of reference and Mr. Merrill is appointed from Council.

On motion of Mr. Langdon, voted to reconsider the vote dismissing the petition of Leonard Smith, a convict in the state prison, and the question was put "Shall the said Leonard Smith be discharged from his said confinement?" which was determined in the affirmative—yeas 10, nays 2.

The House sent up the following bills for revision and concurrence or proposals of amendment—to wit, "An act directing the Quarter Master General to furnish a field-piece, with carriage and apparatus, for the use of the first Company of artillery attached to the 3^d. Division of the Militia of this State," which was read; whereupon resolved to concur in passing this bill. Also "An act for the relief of the town of Bridgewater," which was read; whereupon resolved to concur in passing this bill. Also "An act altering the time of holding the County Courts in the Counties of Franklin and Grand Isle," which was read; whereupon resolved to concur in passing this bill. Also "An act granting to Oren Dickinson the right to keep a ferry," which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House of the passage of the four bills last mentioned.

The Governor and Council attended in the House of representatives to make further County appointments, after which they returned to their Chamber. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment. Rec^d from the House a large number of bills for revision and concurrence or proposals of amendment which were severally read and laid on the table. Adjourned to 9 O'clock to morrow morning.

SATURDAY November 6, 1824. 9 O'clock A. M.

The Governor and Council met pursuant to adjournment. Resumed the consideration of the following bill to wit, "An act establishing a corporation by the name of the Otter Creek towpath Company," which was read and committed to Mr. Wetmore for amendment.

The House sent up the following for concurrence in the reference to wit, "His Excellency" Communication to the House, enclosing communications from the Quarter Master General's department," with an order of the House thereon, that the same be referred to the Military Committee; whereupon resolved to concur in said order of reference. Also "An act in addition to an act entitled an act for the destroying of wolves and panthers within this state," with an order of the House thereon, that the same be referred to the Gen^l. Committee; whereupon resolved to concur in said order of reference. Also "An act repealing an act passed Nov^r. 6th, 1823, entitled an act in addition to an act regulating town meetings and the choice and duty of town officers, passed Feb^y 28, 1797," with an order of the House thereon that the same be referred to

the Judiciary Committee; whereupon resolved to concur in said order of reference. Also "An act directing the Treasurer to pay Benjamin Rolfe the sum therein mentioned." And "An act directing the Treasurer to pay Clapp Bolles the sum therein mentioned," with an order on each that the same be referred to the Committee of Claims; whereupon resolved to concur in said orders of reference. Also "An act in alteration of and amendment to an act establishing a corporation by the name of the Chelsea turnpike Company, passed Nov^r 7, 1807," with an order of the House thereon, that the same be referred to the turnpike Committee; whereupon resolved to concur in said order of reference. Also "An act in alteration of an act constituting & appointing the Supreme Court, defining their powers and regulating judicial proceedings," with an order of the House thereon, that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference.

The House sent up the following resolution for concurrence to wit, "Resolved, the Governor and Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of the alteration of the several acts relating to the mode of attaching real estate on mesne process, by leaving a copy of attachment in the town Clerk's office; with leave to report by bill or otherwise," which was read; whereupon resolved to concur in passing this resolution.

The Committee to whom was referred the bill entitled "An act for the benefit and encouragement of iron manufactories," made report that the same ought to pass and become a law, which report was accepted and the bill read and passed and ordered to be sent to the House of representatives for their concurrence or proposals of amendment.

The House sent up the following bills for concurrence or proposals of amendment to wit, "An act for the relief of poor debtors," which was read; whereupon resolved to concur in passing this bill. Also "An act laying a tax of four cents per acre on the town of Topsham in the County of Orange," which was read; whereupon resolved to concur in passing this bill. Also "An act for the relief of the towns of Chester and Andover in the County of Windsor," which was read; whereupon resolved to concur in passing this bill. Also "An act to authorise the Guardian of Simeon Brooks and Betsy Brooks to sell and convey the real estate of his wards," which was read; whereupon resolved to concur in passing this bill. Also, "An act for the relief of Abijah W. Wright," which was read; whereupon resolved to concur in passing this bill. Also, "An act amending an act laying a tax of four cents per acre on the town of Plymouth," which was read; whereupon resolved to concur in passing this bill. Also "An act extending the time allowed by law for the inhabitants of the towns of Pomfret and Sharon to make and complete a certain road therein mentioned," which was read; whereupon resolved to concur in passing this bill. Also "An act directing the Treasurer to pay Asa Dodge Jun^r the sum therein mentioned," which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House of the passage of the eight bills last mentioned. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment. Adjourned to 9 O'clock Monday morning.

MONDAY November 8, 1824. 9 O'clock A. M.

His Honor the Lt. Governor and the Council met pursuant to adjournment, the Lieut. Gov^r in the Chair. The House sent up the following for concurrence in the reference to wit—The petition of John A. Rhoades and others, with an order of the House thereon, that the same be referred to the land tax Committee; whereupon resolved to concur in said order of reference. Also The petition of Truman Chittenden and others, with an order of the House thereon, that the same be referred to the Land tax Committee; whereupon resolved to concur in said order of reference. Also "An act in addition to an act entitled an act constituting a company of infantry in Chelsea in Orange County, passed November 11, 1818," with an order of the House thereon, that the same be referred to the Military Committee; whereupon resolved to concur in said order of reference.

The House sent up the following resolution for concurrence to wit, "In General Assembly Nov^r 5, 1824. Resolved, the Governor and Council concurring herein, that there be a committee of four appointed from this House, to join from Council, to inquire into the expediency of enacting a law, enumerating what articles of household furniture shall be exempt from mesne process, or from attachment and sale on execution, and report to this House by bill or otherwise," which was read; whereupon resolved to concur in passing this resolution. The House sent up the following resolution for concurrence to wit, "In General Assembly Nov^r 6, 1824. Resolved, the Governor and Council concurring herein, that the General Committee be directed to enquire into the expediency of providing by law blank forms for each town in this state to make their grand list upon, that uniformity in said towns may the better prevail, and report by bill or otherwise," which was read; whereupon resolved to concur in passing this resolution.

The committee to whom was referred the petition of Levi Kimball and others, on motion were discharged from the further consideration of the same, and the petitioners had leave to withdraw their petition.

Resumed the consideration of the bill entitled "An act fixing a time for holding the Supreme Court in the County of Grand Isle," which was read, and amendments were proposed to the same, which were read and adopted; whereupon resolved to concur in passing this bill with said proposals of amendment, and reasons for the same were assigned in writing. Ordered that the Sec^y return said bill and reasons to the House. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Lieut. Governor and the Council met pursuant to adjournment. Resumed the consideration of the bill entitled "An act in addition to an act for the support of Schools," which was read; whereupon an amendment was proposed to the same, which was read and adopted; whereupon resolved to concur in passing this bill with said proposal of amendment. And afterwards said amendment was withdrawn and said bill passed without said amendment.

The House sent up the following bill for revision and concurrence &c. to wit, "An act establishing a corporation by the name of the Otter Creek towpath Company," which was read and amendments were proposed to the same which were read and adopted; whereupon resolved to concur in passing this bill with said proposals of amendment and reasons for said amendments were assigned in writing. Ordered that the Sec^y return said bill and reasons to the House. Adjourned to 9 O'clock to morrow morning.

TUESDAY Nov^r. 9, 1824. 9 Oclock A. M.

The Lieut. Governor and Council met pursuant to adjournment. The House sent up the following for concurrence in the reference, to wit, "An act for annexing a part of the town of Bristol in the County of Addison to the town of Lincoln," with an order of the House thereon that the same be recommitted to the committee raised on the petition of Robert Johnson; whereupon resolved to concur in said order of recommitment. Also The petition of Thomas Fuller and others, with an order of the House thereon that the same be referred to the Land tax Committee; whereupon resolved to concur in said order of reference. Also The petition of Thomas Todd, with an order of the House thereon that the same be referred to the Committee of Claims; whereupon resolved to concur in said order of reference. Also "An act directing the Treasurer to pay Joshua Y. Vail the sum therein mentioned," with an order of the House thereon that the same be recommitted to the Committee of Claims; whereupon resolved to concur in said order of recommitment.

A communication was rec^d. from the Speaker of the House of representatives, informing that the House had concurred in the amendments proposed by the Governor and Council to the bill entitled "An act establishing a corporation by the name of the Otter Creek tow-path Company."

The House sent up the following for revision and concurrence &c. to wit, "An act in addition to an act constituting the Supreme Court of Judicature and County Courts, defining their powers and regulating judicial proceedings," which was read and committed to Messrs. Langdon and Wetmore for amendment. Adjourned to 2 Oclock P. M.

2 OCLOCK P. M.—The Lieut. Governor and Council met pursuant to adjournment, the Lieut. Governor in the chair. M^r. Roberts introduced the following resolution to wit, "In Council Nov. 9, 1824. Resolved, the House of representatives concurring herein, that the Committee on education be instructed to enquire into the propriety of adopting some measures to establish a permanent fund for the support of Schools in this State; and report by bill or otherwise," which was read and past, and ordered to be sent to the House for concurrence. Adjourned to 9 Oclock to morrow morning.

WEDNESDAY, Nov^r. 10, 1824. 9 Oclock A. M.

The Governor and Council met pursuant to adjournment. The House sent up the following for concurrence in the reference to wit, The petition of Jonas Whitney Jun^r. with an order of the House thereon that the same be recommitted to the Committee of Claims; whereupon resolved to concur in said order of recommitment. Also, "An act in addition to an act relating to highways, passed Nov^r. 15, 1820," with an order of the House thereon that the same be recommitted to the Judiciary Committee; whereupon resolved to concur in said order of recommitment. Also "An act annexing the County of Essex to the County of Caledonia," with an order of the House thereon that the same be recommitted to the committee on the bill forming a new town by the name of Waterville; whereupon resolved to concur in said order of recommitment. Also "An act to authorise Probate Courts to empower Guardians to sell the real estate of their wards," with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference.

The House sent up the following bills for revision and concurrence &c. to wit, "An act laying a tax on the County of Grand Isle," which was read; whereupon resolved to concur in passing this bill. Also "An act authorising Samuel W. and Stephen S. Keyes to erect and keep a toll bridge across Missisqui river," which was read; whereupon resolved to concur in passing this bill. Also "An act annexing a part of the town of Braintree to the town of Rochester," which was read; whereupon resolved to concur in passing this bill. Also "An act establishing a grenadier company in the third Regiment, first Brigade and first Division of Vermont Militia," which was read; whereupon resolved to concur in passing this bill. Also "An act providing for the appointment of Surveyors of Wood," which was read; whereupon resolved to concur in passing this bill. Also "An act in addition to the several acts regulating and governing the Militia of this State," which was read; whereupon resolved to concur in passing this bill. Adjourned to 2 Oclock P. M.

2 OCLOCK P. M.—The Governor and Council met pursuant to adjournment. Adjourned to 9 Oclock to morrow morning.

THURSDAY Nov. 11, 1824. 9 Oclock A. M.

The Governor and Council met pursuant to adjournment. The House sent up the following for concurrence in the reference to wit, "An act laying a tax on the County of Essex," with an order of the House thereon that the same be referred to the committee consisting of the members of Essex County; whereupon resolved to concur in said order of reference.

The House sent up the following resolution for concurrence to wit, "In General Assembly Nov^r 10, 1824. Resolved, the Governor and Council concurring herein, that the Surveyor General be and he hereby is directed to deliver to the Sec^y of State all records of Charters in his office," which was read; whereupon resolved to concur in passing this resolution. The House sent up the following resolution for concurrence to wit, "In General Assembly Nov^r 10, 1824. Resolved, the Governor and Council concurring herein, that the Committee on education be instructed to inquire into the expediency of providing by law, for the location of School houses; and report by bill or otherwise," which was read; whereupon resolved to concur with the House in passing this resolution. The House sent up the following resolution for concurrence to wit, "In General Assembly Nov^r 10, 1824. Resolved, the Governor and Council concurring herein, that the Military Committee be instructed to examine an act directing the mode of distributing the arms received from the United States, and for other purposes, passed October 12, 1812, and if in the opinion of the said Committee the law alluded to is insufficient for the effectual preservation of said arms, it shall be the duty of said Committee to report a bill for the more effectual preservation of said arms," which was read; whereupon resolved to concur with the House in passing this resolution.

The House sent up the following for concurrence in the reference to wit, "An act in addition to an act to exempt the Hartford Manufacturing Company from assessment or taxes, passed Nov^r 10, 1818," with an order of the House thereon that the same be referred to the Committee on manufactures; whereupon resolved to concur in said order of reference.

A message was received from the House by M^r Hunt of Fairfax, one of its members, informing that the House have non concurred in the

amendment proposed by the Governor and Council to the bill entitled "An act forming a new town out of the towns of Bakersfield, Belvidere and Coit's Gore in the County of Franklin," and after assigning the reasons of the House therefor he withdrew.

The House sent up the following for revision and concurrence &c. "An act for the relief of Richard L. Dickerman," which was read and committed to Messrs. Roberts and Langdon. Also "An act restoring Ebenezer Darling to his legal privileges," which was read and committed to Messrs. Holley and Roberts. Also "An act for the relief of Paul W. Kimpton," which was read; whereupon resolved to concur in passing this bill. Also "An act dividing the County of Addison into two Probate Districts," which was read; whereupon resolved to concur in passing this bill. Also "An act to authorise the Guardian of Nelson Green to sell and convey the real estate of her ward," which was read; whereupon resolved to concur with the House in passing this bill. Also "An act constituting Norman Randolph Kidder heir at law of Francis Kidder and Sally Kidder," which was read; whereupon resolved to concur with the House in passing this bill. Also "An act annexing a part of the town of Lincoln to the town of Warren in the County of Addison," which was read; whereupon resolved to concur in passing this bill. Also "An act establishing and incorporating an academy at Hinesburgh," which was read; whereupon resolved to concur in passing this bill. Also "An act directing the Treasurer of this State to pay George Ferris and David Hurlburt Junr the sum therein mentioned," which was read; whereupon resolved to concur in passing this bill. Also "An act directing the Treasurer to credit Jesse Goodeno, first constable of Hancock, the sum therein mentioned," which was read; whereupon resolved to concur in passing this bill. Also "An act directing the Treasurer to pay Omri Dodge the sum therein mentioned," which was read; whereupon resolved to concur in passing this bill. Also "An act directing the Selectmen of Dorsett to pay Truman Lapiash the sum therein mentioned," which was read; whereupon resolved to concur with the House in passing this bill. Also "An act laying a tax of three cents per acre on the town of Woodbury," which was read; whereupon resolved to concur in passing this bill. Also "An act laying a tax of four cents per acre on all the lands in the town of Roxbury," which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House of the passage of the twelve bills last mentioned. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment. Resumed the consideration of the bill entitled "An act in addition to an act constituting the Supreme Court of Judicature and County Courts, defining their powers and regulating judicial proceedings," when the committee to whom the said bill had been recommended, reported amendments which were read and adopted; whereupon resolved to concur with the House in passing this bill with said proposals of amendment, and Mr. Langdon is appointed to assign reasons to the House. Adjourned to 9 O'clock to morrow morning.

FRIDAY Nov. 12, 1824. 9 O'clock A. M.

The Governor and Council met pursuant to adjournment. The House sent up the following resolution for concurrence to wit, "In General Assembly Nov. 11, 1824. Resolved, the Governor and Council concurring herein, that the two houses meet in Joint Committee in the repre-

sentatives' room at ten O'clock tomorrow morning for the purpose of electing Major Generals of the second and 3^d. Divisions, and Brigadier General of the 2^d. Brigade and 4th. Division of the Militia of this State, to fill the vacancies occasioned by the resignations of Major General Ladd, Major General Strong and Brigadier General Cushman," which was read ; whereupon resolved to concur with the House in passing this resolution and the Sec^y was ordered to inform the House accordingly.

The House sent up the petition of the Selectmen of Concord, with an order of the House thereon, that the same be recommitted to the Committee raised on the bill forming a new town by the name of Waterville ; whereupon resolved to concur in said order of recommitment. Also "An act in addition to an act to incorporate the President, Directors and Company of the Bank of Rutland," with an order of the House thereon that the same be referred to a select committee of 4 to join ; whereupon resolved to concur in said order of reference and M^r. Wetmore is appointed from Council.

The House sent up the following resolution for concurrence to wit, "In General Assembly Nov. 10, 1824. Resolved, the Governor and Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of making some different arrangement in the present laws relating to the Commissioners of jail delivery, and report by bill or otherwise," which was read and passed. The House sent up the following resolution for concurrence to wit, "In General Assembly Nov. 11, 1824. Resolved, the Governor and Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of so amending the act relating to the judiciary as to provide for the obtaining of testimony of witnesses in any case pending before a court or the legislature, for a new trial, and to report by bill or otherwise," which was read ; whereupon resolved to concur in passing this resolution. The House sent up the following resolution for concurrence to wit, "In General Assembly Nov. 11, 1824. Resolved, the Governor and Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of passing a law, the effect of which will be, that all persons who are or may be holden to the treasury of this state, on bonds for criminal prosecution, may have the privilege, by giving the State's Attorney in the County where such bonds were taken, reasonable notice of his intent so to do, to motion the Supreme Court to chancer their bonds, without being liable to a bill of cost," which was read ; whereupon resolved to concur in passing this resolution. The House sent up the resolution of 6th instant, introduced by M^r. Gray, with an order of the House thereon that the General Committee be discharged from the further consideration of the same, and that the same be referred to the committee raised on the resolution of M^r. Olin relative to the compiling a system of laws in relation to the Grand list ; whereupon resolved to concur in said order of reference. Also "An act to incorporate the proprietors of the meeting house in Newbury," with an order of the House thereon that the same be referred to the Judiciary Committee. Also "An act to repeal an act therein mentioned." Also "An act in addition to an act constituting Probate Courts," with an order of the House on each, that the same be referred to the Judiciary Committee ; whereupon resolved to concur in said several orders of reference. Also the petition of Hanson Rogers, with an order of the House thereon that the same be referred to the land tax Committee ; whereupon resolved to concur in said order of reference.

The Governor and Council attended in the House of representatives to complete County appointments and appoint Major Generals of the 2^d. and 3^d. divisions and a Brigadier General of the 2^d. Brigade and 4th.

Division, after which they returned to their Chamber.¹ Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment. Mr. Merrill, to whom was referred the resolution of the 9th instant, introduced by Mr. Roberts, made report of a resolution and bill accompanying the same, which were read and ordered to lie on the table.

Mr. Holley, from the committee to whom was committed the bill entitled "An act restoring Ebenezer Darling to his legal privileges," reported amendments which were adopted; whereupon resolved to concur with the House in passing this bill with said proposals of amendment, and Mr. Holley is appointed to assign reasons to the House.

On motion of Mr. Berry, voted to reconsider the vote dismissing the petition of Jacob Spencer, a convict in the State prison, and the question was put "Shall the said Jacob Spencer be discharged from his said confinement?" which was determined in the affirmative—yeas 7, nays 4. Adjourned to 9 O'clock to morrow morning.

SATURDAY NOV. 13, 1824. 9 O'clock A. M.

The Governor and Council met pursuant to adjournment. The House sent up the following for revision and concurrence to wit, "An act incorporating the Connecticut river Company," which was read and committed to Messrs. Langdon and Butler for examination.

The House sent up the following resolution for concurrence to wit, "In General Assembly Nov. 12, 1824. Resolved, the Governor and Council concurring herein, that the two houses meet in Joint Committee in the representatives' room, on tuesday next at 10 O'clock in the forenoon, for the purpose of electing a Brigadier General in the first Brigade and 2^d Division, to fill the vacancy occasioned by the promotion of Gen. Hopkins, and a Brigadier General of the first Brigade in the 3^d Division, to fill the vacancy occasioned by the promotion of Gen. Lawrence," which was read and passed, and the Sec^y was ordered to inform the House accordingly. The House sent up the following resolution for concurrence to wit, "In General Assembly Nov^r 12, 1824. Resolved, the Governor and Council concurring herein, that the two Houses meet in Joint Committee in the representatives' room on tuesday next, at ten O'clock in the forenoon, for the purpose of receiving further nominations of County officers, and making the appointment of such officers; which was read; whereupon resolved to concur in passing this resolution.

The House sent up the following for revision and concurrence &c. to wit, "An act to authorise the Guardian of the minor heir of Jeremiah Andrews, late of Tunbridge, deceased, to sell and convey the real estate of his ward," which was read; whereupon resolved to concur in passing this bill. Also "An act in addition to an act defining the powers of Justices of the peace," which being read, amendments were proposed to the same, which were read and adopted; whereupon resolved to concur in passing this bill with said proposals of amendment, and reasons for the same were assigned in writing.

Resumed the consideration of the bill entitled "An act for the benefit of Common Schools," which was read and committed to Messrs. Merrill, Wetmore and Dana of O.

¹The persons elected were: Elisha Hopkins and Ville Lawrence, Major Generals; and Hiram Warner, Brigadier General.

Received a communication from the Speaker of the House informing the House have concurred in the amendments proposed by the Governor and Council to the bill entitled "An act in addition to an act constituting the Supreme Court of Judicature and County Courts, defining their powers, and regulating judicial proceedings." Adjourned to 2 O'clock P. M.

· 2 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment. Resumed the consideration of the bill entitled "An act for the benefit of Common Schools," which was read and passed and ordered to be sent to the House of representatives for their concurrence.

The report of the Committee on education and the accompanying resolution were read and passed and ordered to be sent to the House of representatives for their concurrence. Adjourned to Monday next, 9 O'clock A. M.

MONDAY Nov 15, 1824. 9 O'clock A. M.

The Governor and Council met pursuant to adjournment. The House sent up the following resolution for concurrence to wit—"Resolved, the Governor and Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of altering the law regulating the taxation of Costs before the General Assembly, against petitioners praying for new trials, and that they report by bill or otherwise," which was read; whereupon resolved to concur in passing this resolution.

The House sent up the following for concurrence in the reference to wit, The petition of Joseph Brown, with an order of the House thereon that the same be referred to the Committee of Claims; whereupon resolved to concur in said order of reference. Also the petition of Joshua Garlick, with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference. Also the petition of Elias Hall, with an order of the House thereon that the same be referred to a Select Committee of 4 to join; whereupon resolved to concur in said order of reference and M^r. Langdon is appointed from Council. Also "An act to prevent imprisonment of poor debtors in certain cases," with an order of the House

¹This bill therefore became a law. The originator of it was the late Hon. SAMUEL PRENTISS of Montpelier, and it was a work worthy of that eminent jurist. Prior to the passage of this act, the three judges of each county court had consisted mainly of farmers, mechanics, merchants, and clergymen, with occasionally a lawyer, but rarely one "learned in the law." Courts so composed most surely endeavored to secure justice for all parties, but it is obvious that they were liable to frequent errors through the lack of a thorough knowledge of the law. This defect was remedied by the act of 1824, in providing that every chief justice of a county court should be some one of the judges of the supreme court, presumably a jurist of high repute—while the two assistant judges were left to be appointed as before. This system is still in force, and it has undoubtedly added dignity to the county courts, and inspired litigants with greater confidence in having their legal rights protected.

thereon that the same be referred to a select committee of 4 to join; whereupon resolved to concur in said order of reference, and the Lieut. Governor is appointed from Council. Also "An act regulating the tolls of one horse waggon over West river bridges in Brattleboro and Dummerston," with an order of the House thereon that the same be recommended to the Turnpike Committee; whereupon resolved to concur in said order of recommitment.

The House sent up the following bills for revision and concurrence &c. to wit—"An act annexing a part of the town of Pittsfield to the town of Rochester," which was read; whereupon resolved to concur in passing this bill. Also "An act appointing a collector in the town of Fairhaven," which was read; whereupon resolved to concur in passing this bill. Also "An act to preserve the fish in the several waters within the town of Braintree in the County of Orange," which was read, whereupon resolved to concur in passing this bill. Also "An act incorporating certain persons therein named by the name of the Essex bridge Company," which being read, amendments were proposed to the same which were read and adopted; whereupon, resolved to concur in passing this bill with said proposals of amendment and reasons for the same were assigned in writing. Also "An act for the relief of Richard L. Dickerman," which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House of the passage of the five bills last mentioned. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M. The Governor and Council met pursuant to adjournment. Resumed the consideration of the bill entitled "An act forming a new town out of the towns of Bakersfield, Belvidere and Colt's Gore in the County of Franklin, by the name of Waterville," whereupon resolved to recede from the amendments proposed to said bill and further resolved to concur with the House in passing this bill. Also "An act providing for the location and erection of the County buildings in the County of Windham," which was read; whereupon resolved to concur in passing this bill.

A message was received from the House by Mr. Mattocks, one of its members, informing that the Hon. George E. Wales had resigned the office of Speaker, and that the House had elected the Hon. Isaac Fletcher, Speaker.

Resumed the consideration of the bill entitled "An act altering the mode of appointing commissioners of jail delivery," which was read and committed to Messrs. Langdon and Butler for examination. Adjourned to 9 O'clock to morrow morning.

TUESDAY Nov. 16, 1824. 9 O'clock A. M.

The Governor and Council met pursuant to adjournment. The House sent up the following bill for concurrence in the reference to wit, "An act in addition to an act entitled an act relating to jails and jailers and for the relief of persons imprisoned therein," with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference.

The House sent up the following bills for revision and concurrence &c. to wit, "An act for the relief of Thomas Guyer," which was read; whereupon resolved to concur in passing this bill. Also "An act making the necessary appropriations for the support of government the present year and for other purposes," which was read; whereupon resolved to concur in passing this bill. Also "An act for the relief of

Kate or Catherine Jones," which was read; whereupon resolved to concur in passing this bill. The House sent up for revision and concurrence &c. a large number of bills which were read and ordered to lye on the table.

The Governor and Council attended in the representatives' room and appointed Brigadier Generals and County officers, after which they returned to their Chamber.¹ Adjourned to 2 Oclock P. M.

2 OCLOCK P. M.—The Governor and Council met pursuant to adjournment. A message was received from the House by Mr. Haight, one of its members, informing that the House had nonconcurrred in the amendments proposed by the Governor and Council to the bill entitled "An act fixing a time for holding the Supreme Court in the County of Grand Isle," and after assigning the reasons of the House he withdrew. Whereupon the Governor and Council resolved to recede from their said amendments, and further amendments were proposed to said bill, which were read and adopted, and said bill was passed with said last proposed amendments and Mr. Wetmore was appointed to assign reasons to the House.

A message was received from the House by Mr. Haight, one of its members, informing that the House had repassed the bill entitled "An act directing the Treasurer to pay Clapp Bolles the sum therein mentioned," and requesting the concurrence of the Governor and Council, and after assigning the reasons of the House he withdrew. Whereupon an amendment was proposed to said bill, which was read and adopted and said bill passed as amended, and Mr. Wetmore is appointed to assign reasons to the House.

A message was received from the House by Mr. Royce, one of its members, informing that the House had proposed an amendment to the bill entitled "An act to repeal in part and in addition to an act entitled an act to regulate the inspection of provisions intended to be exported from this state, passed October 31, 1823," and requested the concurrence of the Governor and Council in the same, and after assigning the reasons of the House he withdrew; whereupon resolved to concur with the House in passing said bill with said proposed amendment, and the Sec^y was ordered to inform the House accordingly.

The House sent up the following bills for revision and concurrence &c. to wit — "An act to ascertain the number of Sheep in this State," which was read; whereupon resolved not to concur with the House in passing this bill and reasons for their nonconcurrence were assigned in writing. Ordered that the Sec^y return said bill and reasons to the House. Also "An act establishing an independent Company of Cavalry in the town of Tunbridge," which was read; whereupon resolved to concur with the House in passing this bill. Also "An act incorporating certain persons therein mentioned by the name of the Vergennes marble manufacturing Company," which was read; whereupon resolved to concur in passing this bill. Also "An act laying a tax on the township of Ripton," which was read; whereupon resolved to concur in passing this bill. Also "An act granting relief to the towns of Danville, Wheelock and Sheffield," which was read; whereupon resolved to concur with the House in passing this bill. Ordered that the Sec^y inform the House of the passage of the last mentioned four bills. Also "An act altering the mode of appointing the Commissioners of jail delivery," which was read; whereupon resolved not to concur with the House in passing this

¹ The Brigadier Generals elected were Martin Roberts and James L. Morton.

bill and reasons for said nonconcurrence were assigned in writing. Ordered that the Sec^y return said bill and reasons to the House.

The Governor and Council proceeded to the appointment of a Surveyor of the public buildings for the year ensuing, and the ballots being taken and examined, Joseph Howes was declared elected. Adjourned to 9 O'clock to morrow morning.

WEDNESDAY Nov. 17, 1824. 9 O'clock A. M.

The Governor and Council met pursuant to adjournment. Resumed the consideration of the bill entitled "An act to incorporate the Champlain ferry Company and for granting a ferry," which was read; whereupon amendments were proposed to said bill, which were read and adopted and said bill passed as amended, and reasons were assigned in writing. Ordered that the Sec^y return said bill, amendments and reasons to the House. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment. A message was received from the House by Mr. Keeler, one of its members, informing that the House have non[con]curred in the amendment proposed by the Governor and Council to the bill entitled "An act in addition to the several acts defining the powers of Justices of the peace," and after assigning the reasons of the house he withdrew. Whereupon the Governor and Council resolved to suspend the passing of said bill until the next session of the legislature, and the Sec^y was ordered to inform the House accordingly.

The House sent up the following resolution for concurrence to wit, "Resolved, the Governor and Council concurring herein, that both houses meet in the representatives' room, on the 19th day of Nov^r next [instant,] at 9 O'clock in the morning, for the purpose of adjourning both houses without day," which was read; whereupon resolved to concur with the House in passing this resolution and the Sec^y was ordered to inform the House accordingly.

Mr. Dana of Orange County presented the petition of Jedediah Jepherson, which was filed.

Resumed the consideration of the bill entitled "An act incorporating the Connecticut river Company," and sundry amendments were proposed to the same which were read and adopted; whereupon resolved to concur with the House in passing this bill with said proposed amendments and Mr. Merrill is appointed to assign reasons to the House.

The House sent up the following bills for revision and concurrence to wit—"An act directing the Treasurer to pay Norman Williams the sum therein mentioned," which was read; whereupon resolved to concur with the House in passing this bill. Also "An act in addition to an act to incorporate the President, Directors and Company of the Bank of Rutland," which was read; whereupon resolved to concur in passing this bill. Also "An act in addition to an act entitled an act constituting a company of Infantry in Chelsea in Orange County, passed Nov. 11, 1818," which was read; whereupon resolved to concur in passing this bill. Also "An act directing the Treasurer to pay Joshua Y. Vail the sum therein mentioned," which was read; whereupon resolved to concur in passing this bill. Also "An act for the relief of Charles Sweeney," which was read; whereupon resolved to concur in passing this bill. Also "An act to establish the weight of rye, corn, and oats," which was read; whereupon resolved to concur in passing this bill. Also "An act directing the Treasurer to pay Benjamin Rolfe the sum therein men-

tioned," which was read; whereupon resolved to concur in passing this bill. Also "An act laying a tax of four cents per acre on the town of Salem," which was read; whereupon resolved to concur in passing this bill. Also "An act laying a tax on the County of Essex," which was read; whereupon resolved to concur in passing this bill. Also "An act partially to revive an act entitled an act laying a tax of five cents per acre on the town of Highgate, passed October 25, 1823," which was read; whereupon resolved to concur in passing this bill. Also "An act in addition to and alteration of an act entitled an act laying a tax of four cents per acre on the town of Sutton in the County of Caledonia, passed Nov. 4, 1824," which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House of the passage of the eleven bills last mentioned.

His Excellency the Governor, with the consent of the Council, was pleased to appoint Daniel Chipman Esq. to be Reporter of the decisions of the Supreme Court, for the year ensuing. Adjourned to 9 O'clock tomorrow morning.

THURSDAY Nov. 18, 1824. 9 O'clock A. M.

The Governor and Council met pursuant to adjournment. The House sent up the following bill for revision and concurrence &c. to wit, "An act to authorise Calista Smith, Guardian of David Smith and Marston Cabot Smith, to sell the real estate of her wards," which was read; whereupon resolved to concur in passing this bill.

The House sent up a resolution of the 12th instant, directing the Quarter Master General to inquire into the state of the ordnance heretofore delivered to Capt. Kingman, which was read; whereupon resolved to concur with the House in passing this resolution—ordered that the Sec^y inform the House accordingly.

The House sent up the resolution of the 19. of Oct^r upon that part of the Governor's speech which relates to General Lafayette, with an order of the House thereon that the same be referred to a select committee of three to join; whereupon resolved to concur in said order of reference and Mr. Merrill is appointed from Council.

The House sent up the following bills for revision and concurrence &c. to wit—"An act in addition to an act entitled an act authorising the Visitors of the State prison to procure a bell and for other purposes, passed October 31, 1811," which was read, and thereupon amendments were proposed to the same which were read and adopted; whereupon resolved to concur with the House in passing this bill with said proposed amendments; and reasons for the same were assigned in writing—ordered that the Sec^y return said bill and reasons to the House. Also "An act to revive an act establishing a County Grammar School in the town of Guildhall in the County of Essex and for other purposes," which was read, whereupon resolved to concur in passing this bill—ordered that the Sec^y inform the House accordingly. Also "An act for the relief of Leonard Deming," which was read; whereupon resolved not to concur with the House in passing this bill and their reasons were assigned in writing—ordered that the Sec^y return said bill and reasons to the House. Also "An act incorporating the Vermont fire insurance Company," with [which] was read; whereupon resolved to concur in passing this bill—ordered that the Sec^y inform the House of the same.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment. The House sent up the following bills for revision and con-

currence &c. to wit, "An act in addition to an act entitled an act directing the levying and serving executions," which was read; whereupon resolved to concur in passing this bill. Also "An act directing the Treasurer to pay Joseph Brown the sum therein mentioned," which was read; whereupon resolved to concur in passing this bill. Also "An act laying a tax on the township of Canaan," which was read; whereupon resolved to concur in passing this bill. Also "An act in addition to an act entitled an act constituting Probate Courts and defining their powers and regulating the settlement of testate and intestate estates and the Guardianship of minors and insane persons, passed Nov. 15, 1821," which was read; whereupon resolved to concur with the House in passing this bill. Also "An act appointing an agent for certain purposes," which was read; whereupon resolved to concur in passing this bill. "Also an act in addition to an act entitled an act reducing into one the several acts for laying out, making, repairing and clearing highways," which was read; whereupon resolved to concur with the House in passing this bill. Ordered that the Sec^y inform the House of the passage of the six bills last mentioned. Also "An act designating a place for the meeting of the electors," which being read, amendments were proposed to the same, which were read and adopted; whereupon resolved to concur in passing this bill with said proposed amendments, and Mr. Wetmore is appointed to assign reasons to the House. Also "An act in addition to an act entitled an act constituting the Supreme Court of Judicature and County Courts, defining their powers and regulating judicial proceedings," which being read, amendments were proposed to the same which were read and adopted; whereupon resolved to concur with the House in passing this bill with said proposals of amendments, and reasons for the same were assigned in writing.

The House sent up the following resolution for concurrence to wit—"Resolved, the Governor and Council concurring herein, that his Excellency the Governor be requested, in behalf of the people of this State, to invite General La Fayette to extend his tour into Vermont, and honour its citizens with his presence; and that his Excellency direct such military and other arrangements for the reception of so beloved and deserving a guest, as will comport with the occasion," which was read; whereupon resolved to concur with the House in passing this resolution, and the Sec^y was ordered to inform the House accordingly. Adjourned to 6 O'clock P. M.

6 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment. A message was received from the House by Mr. Chase, one of its members, informing that the House had nonconcurrent in the amendments proposed by the Governor and Council to the bill entitled "An act for the relief of Leonard Deming," and after assigning the reasons of the House he withdrew. Whereupon Resolved to Suspend the passing of said bill until the next Session of the Legislature, and the Sec^y was ordered to inform the House accordingly.

The House sent up the following bills for concurrence, revision &c. to wit—"An act in addition to the several acts for laying out, making, repairing and clearing highways," which was read; whereupon resolved to concur in passing this bill. Also "An act authorising the Quarter Master General to furnish certain apparatus for an artillery Company in Hartland," which was read; whereupon resolved to concur in passing this bill. Also "An act providing for the building of a State Arsenal," which was read; whereupon resolved to concur in passing this bill. Also "An act in addition to an act directing the mode of taking forfeitures of grants and charters," which was read; whereupon resolved to

concur with the House in passing this bill. Also "An act granting further time to make a road in the town of Reading," which was read; whereupon resolved to concur in passing this bill—ordered that the Sec^y inform the House of the passage of the five bills last mentioned. Also "An act in addition to the several acts defining the powers of justices of the peace within this State," which was read; whereupon resolved not to concur with the House in passing this bill, and reasons for the same were assigned in writing—ordered that the Sec^y return said bill and reasons to the House. Also, "An act to provide for printing the laws of this State," which was read; whereupon resolved to concur with the House in passing this bill. Also "An act authorising the Supreme Court to sustain the petition of Truman Chittenden for a new trial," which was read; whereupon resolved to concur in passing this bill. Also "An act for annexing a part of the town of Bristol in the County of Addison to the town of Lincoln," which was read; whereupon resolved to concur in passing this bill. Also "An act annexing the town of Newark in the County of Essex to the County of Caledonia," which was read; whereupon resolved to concur in passing this bill. Also "An act assessing a tax on the County of Caledonia," which was read; whereupon resolved to concur in passing this bill. Also "An act assessing a tax for the support of government," which was read; whereupon resolved to concur in passing this bill—ordered that the Sec^y inform the House of the passage of the six bills last mentioned.

The House sent up the following resolution for concurrence to wit, "In General Assembly Nov^r 18, 1824. Resolved, the Governor and Council concurring herein, that his Excellency the Governor be, and he is hereby, authorised and requested to appoint some suitable person to settle with the administrator of David Edmond Esq. deceased, late agent for this State in the suit in favour of the Society for propagating the gospel in foreign parts, against the town of New Haven. And to settle with the Hon. Daniel Webster, counsel in said cause. And the Treasurer of this State is directed to pay said Agent the balance of the appropriation heretofore made for that purpose. And the agent so to be appointed is hereby directed to make report of his doings in the premises to the next session of the legislature." Which was read; whereupon resolved to concur with the House in passing this resolution.

Also "An act for the relief of Elias Hall," which was read; whereupon resolved not to concur with the House in passing this bill and the reasons of the Governor and Council were assigned in writing. Ordered that the Sec^y return said bill and reasons to the House. Also "An act laying a tax of four cents per acre on all the lands in the town of Jay," which was read; whereupon resolved to concur with the House in passing this bill. Also "An act in addition to an act entitled an act defining what shall be deemed and adjudged legal settlement, and for the support of the poor, for designating the duties of the overseers of the poor, and for the punishment of idle and disorderly persons, passed March 3^d 1797," which was read; whereupon resolved to concur with the House in passing this bill. Ordered that the Sec^y inform the House of the passage of the two bills last mentioned. Also "An act laying a tax of four cents per acre on the town of Walden," which was read; whereupon resolved to concur with the House in passing this bill. Also "An act for the relief of Zacheus Cook," which was read; whereupon resolved to concur with the House in passing this bill. Also "An act authorising the Judge of Probate for the District of Bradford to renew the commission therein mentioned," which was read; whereupon resolved to concur with the House in passing this bill. Adjourned to 6 O'clock tomorrow morning.

FRIDAY Nov. 19, 1824. 6 O'clock A. M.

The Governor and Council met pursuant to adjournment. A message was received from the House by Mr. Hunt of Fairfax, one of its members, informing that the House had repassed the bill entitled "An act in addition to the several acts defining the powers of Justices of the peace within this State," and after assigning the reasons of the House he withdrew. Whereupon amendments were proposed to said bill which were read and adopted; and thereupon resolved to concur with the House in passing this bill, with said proposals of amendment, and reasons for the same were assigned in writing.

The House sent up the following resolution for concurrence to wit—"Nov. 18, 1824. Resolved, the Governor and Council concurring herein, that the Treasurer of this State pay Jonathan Fassett One hundred Dollars, out of any money in the treasury not otherwise appropriated, on his giving his discharge to the State of Vermont, as being in full from the beginning of the government of Vermont to this day." Which was read; whereupon resolved not to concur with the House in passing this resolution and their reasons for nonconcurrence were assigned in writing. Ordered that the Sec^y return said resolution and reasons to the House.

A message was received from the House by Mr. Hunt of Fairfax, one of its members, informing that the House had repassed the bill entitled "An act altering the mode of appointing commissioners of jail delivery," and after assigning the reasons of the House he withdrew; whereupon amendments were proposed, which were read and adopted; and thereupon the Governor and Council resolved to concur with the House in passing this bill, with said proposals of amendment, and reasons for the same were assigned in writing. Ordered that the Sec^y return said bill and reasons to the House.

A message was received from the House by Mr. Hutchinson, one of its members, informing that the House had repassed the bill entitled "An act for the relief of Elias Hall," and after assigning the reasons of the House he withdrew. Whereupon an amendment was proposed and adopted, and thereupon it was resolved to concur with the House in passing this bill with said proposal of amendment, and reasons for the same were assigned in writing. Ordered that the Sec^y return said bill and reasons to the House.

The House sent up the following bills for revision and concurrence &c. to wit, "An act for the relief of John Orcutt," which was read; whereupon resolved to concur with the House in passing this bill. Also "An act in addition to an act entitled an act to prevent forcible entry and detainer," which was read; whereupon resolved to concur with the House in passing this bill. Ordered that the Sec^y inform the House of the passage of the two bills last mentioned. Also "An act in addition to and explanation of an act entitled an act constituting Probate Courts and defining their powers and regulating the settlement of testate and intestate estates and the Guardianship of minors and insane persons," which was read; whereupon resolved not to concur with the House in passing this bill, and their reasons for nonconcurrence were assigned in writing. Ordered that the Sec^y inform the House of the same.

Received from the Speaker of the House a communication informing that the House had concurred in the amendments proposed by the Governor and Council to the following bills to wit—"An act designating the place of the meeting of the electors; An act in addition to an act entitled an act authorising the Visitors of the State prison to procure a bell and for other purposes, passed October 31, 1811; An act incorporating the Connecticut river Company; An act to incorporate the Champlain ferry

Company and for granting a ferry, and An act incorporating certain persons therein named by the name of the Essex bridge Company."

The Governor and Council proceeded to appoint three commissioners to designate the place for the building of a State Arsenal, and to purchase ground for the same, agreeably to the provisions of an act entitled "An act providing for the building of a State Arsenal." And the ballots being taken and examined, the Hon. Ezra Butler, Stephen Haight, and Charles K. Williams, having a majority, were declared duly elected Commissioners to perform that service.

A message was received from the House by Mr. Hutchinson, one of its members, informing that the House had repassed the bill entitled "an act in addition to and explanation of an act entitled an act constituting Probate Courts and defining their powers and regulating the settlement of testate and intestate estates and the Guardianship of minors and insane persons," and after assigning the reasons of the House he withdrew. Whereupon amendments were proposed to said bill, which were read and adopted and the Governor and Council resolved to concur with the House in passing this bill with said proposals of amendment, and reasons for the same were assigned in writing.

A communication was received from the Speaker of the House informing that the House had concurred in the amendments proposed by the Governor and Council to the following bills to wit—"An act in addition to an act entitled an act constituting the Supreme Court of Judicature and County Courts, defining their powers and regulating judicial proceedings," and "An act in addition to and explanation of an act constituting Probate Courts and defining their powers and regulating the settlement of testate and intestate estates and the Guardianship of minors and insane persons."

A message was received from the House by Mr. Adams, one of its members, informing that the House had completed the business of the session, and that they are ready to adjourn without day, agreeably to the joint resolution of both Houses—whereupon it was ordered that the Sec^y inform the House that the Governor and Council will immediately attend in the representatives' room for the purpose of adjourning the General Assembly without day. The Governor and Council attended in the House of representatives, and after an address to the throne of grace by the Chaplain, the General Assembly was adjourned without day. The Governor and Council returned to the Council Chamber and adjourned without day.

STATE OF VERMONT.—The foregoing from page 81 to page 190 inclusive [of manuscript Council Journal marked Vol. 10,] is a true Journal of the proceedings of the Governor and Council at their annual session in the year 1824.

D. KELLOGG, Sec^y.

DEBENTURE OF COUNCIL, 1824.	No. Miles Travel.	Am't of Travel.	No. days Att'nce.	Am't of Att'nce.	Debenture.
Mr. Pratt	100	12.00	1	1.50	13.50
" Dana of C.	30	3.60	21	31.50	35.10
Lieut. Governor Leland	80	9.60	37	148.	157.60
Mr. Berry	75	9.00	37	55.50	64.50
" Butler	12	1.44	37	55.50	56.94
" Chittenden	30	3.60	37	55.50	59.10
" Dana of O.	22	2.64	37	55.50	58.14
" Holley	60	7.20	37	55.50	62.70
" Langdon	72	8.64	37	55.50	64.14
" Merrill	122	14.64	36	54.00	68.64
" Proctor	71	8.52	37	55.50	64.02
" Roberts	130	15.60	36	54.00	69.60
" Stanley	32	3.84	37	55.50	59.34
" Wetmore	60	7.20	37	55.50	62.70
Sheriff	12	1.44	37	55.50	56.94
Deputy	12	1.44	37	55.50	56.94
Mr. Judd not included in de- benture of 1823,	60	7.20	2	3.00	10.20
					\$1020.10

The above Debenture was rec^d. of the Treasurer by the Sheriff, and by him paid over to the members &c.

D. KELLOGG, Sec'y.

FORTY - NINTH COUNCIL.

OCTOBER 1825 TO OCTOBER 1826.

CORNELIUS P. VAN NESS, Burlington, *Governor*.
AARON LELAND, Chester, *Lieutenant Governor*.

Councillors:

EZRA BUTLER, Waterbury,
SAMUEL C. CRAFTS,¹ Craftsbury,
CHAUNCEY LANGDON, Castleton,
TRUMAN CHITTENDEN, Williston,
SETH WETMORE, St. Albans,
JOSIAH DANA, Chelsea,

ISRAEL P. DANA, Danville,
JABEZ PROCTOR, Cavendish,
SAMUEL H. HOLLEY, Middlebury,
JOHN ROBERTS, Whitingham.
ORSAMUS C. MERRILL, Benn'gton,
ROBERT PIERPOINT, Rutland.

DANIEL KELLOGG, Rockingham, *Secretary*.
JOHN PECK, Waterbury, *Sheriff*.
J. STARKWEATHER, Waterbury, *Deputy*.

BIOGRAPHICAL NOTICE.

ROBERT PIERPOINT was born at Litchfield, Conn., May 4 1791, second son of David Pierpoint (born in New Haven, Conn., July 26 1764,) and Sarah Phelps, (born in Litchfield, Conn., Oct. 4 1766,) who was sister of the father of the late distinguished jurist and Senator, Samuel S. Phelps of Middlebury. At the age of seven, Robert came to Manchester to live with his uncle Robert, and for nine years, with broken health and almost a cripple from rheumatism, he dwelt in his uncle's inn, improving his opportunities for studying character, attending the common school occasionally, and reading all the books he could get. At sixteen he entered the law office of Hon. Richard Skinner ; in June 1812 was admitted to the bar of Bennington county, and in the same year removed to Rutland. Almost immediately he was brought into public service as deputy collector of the direct tax occasioned by the war

. ¹ For notice of Mr. Crafts, see Vol. v, p. 239.

of 1812-'15—a difficult task, which was faithfully and successfully performed. He represented Rutland in the General Assembly 1819, 1823 and 1857, and in the Constitutional Conventions of 1822 and 1828; was Councillor 1825 until 1831, Judge of Probate in 1831, Clerk of the House of Representatives 1832 and 1838, County Clerk June 1820 until April 1839, Trustee of the University of Vermont 1823 to 1833, State Senator 1836 until 1840, Lieut. Governor in 1848 and '49, and Judge of the State Circuit Court 1850 to '56. He received the honorary degree of Master of Arts from both Middlebury College and the University of Vermont. He died at Rutland, Sept. 23 1864, aged 73 years, "without a personal enemy, full of years and full of honors." He united with the Congregational Church in Rutland, March 5 1826. Hon. JOHN PIERPOINT of Vergennes, Chief Justice of the Supreme Court of Vermont, is the youngest brother (born Sept. 10 1805,) of Judge Robert Pierpoint.— *Vermont Historical Magazine*, Vol. III, pp. 1110-1112.

RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION WITH THE GENERAL ASSEMBLY AT MONTPELIER, OCTOBER 1825.

STATE OF VERMONT SS.

A Journal of the proceedings of the Gov. and Council at their Session begun and held at Montpelier in said State on the 24th Thursday of October in the year of our Lord one thousand eight hundred and twenty five, being the thirteenth day of the month and in the Fiftieth year of the Independence of the United States. Present, His Excellency C. P. Van Ness, Gov. His Honor Aaron Leland, Lieut. Gov. The Hon. Joseph Berry, Ezra Butler, Josiah Dana, Israel P. Dana, Samuel H. Holley, Chauncey Langdon, Jabez Proctor, John Roberts, Orsamus C. Merrill, Truman Chittenden, Seth Wetmore of the Council.

A message was received from the House of representatives by Mr. Bates, one of its members, informing the Gov. and Council that the House had organized by electing D. A. A. Buck Speaker pro tem. and Timothy Merrill Clerk pro tem. and that the House was ready to receive any communication which the Gov. and Council might be pleased to make, and he withdrew. Ordered that the Sec^y inform the House of representatives that the Gov. and a quorum of the Council are assembled in the Council Chamber and are ready to proceed to business.

A message was received from the House of representatives by Mr. Fitch, one of its members, informing the Governor and Council that the House had on their part appointed a committee to receive, sort and

count the votes for Gov., Lieut. Gov., Treasurer and Councillors, and requested the Gov. & Council to join in said appointment, and he withdrew. Whereupon the Gov. and Council proceeded to appoint a committee to join such committee on the part of the House and Messrs. Holley, Roberts and Dana of Caledonia were appointed and sworn. Ordered, that the Sec^y inform the House of representatives that the Gov. and Council had on their part appointed a committee to receive, sort and count the votes for Gov., Lieut. Gov., Treasurer and Councillors for the ensuing year. Adjourned to 4 O'clock P. M.¹

4 O'CLOCK P. M.—The Gov. and Council met pursuant to adjournment. A message was received from the House of representatives by M^r. Temple, one of its members, informing the Gov. and Council that the House had assembled and was ready to receive the report of the Canvassing Committee, and he withdrew. Ordered that the Sec^y inform the House of representatives that the Gov. and Council will immediately attend in the representatives' room to receive the report of the Canvassing Committee.

The Gov. and Council attended in the representatives' room when the following report was made to wit—

To the Hon. General Assembly now sitting: The Committee appointed to receive, sort and count the votes for Gov., Lieut. Gov., Treasurer and Councillors for the year ensuing report and declare that His Ex^y Cornelius P. Van Ness is elected Gov., His Honor Aaron Leland is elected Lieut. Gov., Benjamin Swan Esq. is elected Treasurer, and that the Hon. Israel P. Dana, Ezra Butler, Seth Wetmore, John Roberts, Truman Chittenden, Jabez Proctor, Orsamus C. Merrill, Chauncey Langdon, Samuel H. Holley, Josiah Dana, Samuel C. Crafts & Robert Pierpoint are elected Councillors for the year ensuing.

SAMUEL H. HOLLEY, *for Committee*.²

After which the Gov. and Council returned to their Chamber. Adjourned to 9 O'clock to morrow morning.

FRIDAY October 14, 1825. 9 O'clock A. M.

The Gov. and Council met pursuant to adjournment. A message was received from the House of representatives by M^r. Kellogg, one of its members, informing the Gov. and Council that the House had organized by electing D. Azro A. Buck Speaker, Norman Williams Sec^y of State, Timothy Merrill Clerk, and O. H. Smith Engrossing Clerk, and he withdrew.

The House sent up the following resolution for concurrence to wit, "In General Assembly October 14, 1825. Resolved, the Gov. and Council concurring herein, that both Houses meet in the representatives' room at two O'clock this afternoon, for the purpose of electing a chaplain of the General Assembly for the year ensuing," which was read; whereupon Resolved to concur with the House in passing this resolution. Ordered that the Sec^y inform the House accordingly.

His Honor the Lieut. Gov. elect, and the Honorable Councillors elect, appeared in the Council Chamber, immediately attended in the representatives' room and in the presence of the House took and subscribed the oaths of office, when they returned to the Council Chamber.

¹ The election sermon was preached by Rev. Robert Bartlett.

² No statement of the votes for Governor, either official or unofficial, has been found.

A great number of petitions for pardon, from convicts in the state prison, were received and filed. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment. The Gov. and Council attended in the House of representatives, where His Ex^y the Gov. [after being sworn] delivered the following Speech.¹ The Gov. and Council returned to their Chamber.

The petition of Daniel Butler, for pardon, was taken up, read, and on motion ordered to lie on the table. The petition of John Barnes, for pardon, was taken up, read, and on motion of M^r. Dana of O. ordered to be dismissed. The petition of Paul Brown, for pardon, was taken up, read and on motion of M^r. Butler ordered to be dismissed. The petition of Samuel Cossett, for pardon, was taken up, read, and on motion ordered to lie on the table. The petition of Eseck Comstock, for pardon, was taken up, read, and on motion of the Lieut. Gov. ordered to be dismissed. The petition of Abraham Conkling, for pardon, was taken up, read, and on motion of M^r. Dana of O. ordered to be dismissed. The petition of Jeremiah Downey, for pardon, was taken up, read, and on motion of M^r. Butler ordered to be dismissed. The petition of Thomas Dean, for pardon, was taken up, read, and on motion of the Lieut. Gov. ordered to be dismissed. The petition of Samuel Dolloff, for pardon, was taken up, read and on motion of M^r. Roberts ordered to be dismissed. The petitions of Samuel Dibble, Charles Emerson, David Fowler, Joseph Faryall and Israel D. Frost, for pardon, were severally taken up, read, and on motion ordered to be dismissed. The petitions of Thomas Gilbert, William Gary, William Going, Burgess Guinos, Selah Hickox, and Allen Howard, for pardon, were severally taken up, read, and on motion ordered to be dismissed. The petitions of James Harvey, John Hunt, Reuben T. Hathaway, Adonijah T. Hewett, Anthony Jeffreys, James Murphy, Edward Meons, William H. Nickols and Charles K. Parkhurst, were severally taken up, read, and on motion ordered to be dismissed. The petitions of Reuben Rollins, Randall Sumner, Henry L. Stearns, Philip Shepard, William Twombly, John B. Tumas, Stephen Twiste, John Utley, Alexander Wightman and E. Welch, for pardon, were severally taken up, read, and on motion ordered to be dismissed.

The Gov. and Council attended in the Representatives' room, and in conjunction with the House of representatives elected a Chaplain to the General Assembly, after which they returned to their Chamber.²

Adjourned to 9 O'clock to morrow morning.

SATURDAY October 15, [1825.] 9 O'clock A. M.

The Gov. and Council met pursuant to adjournment. The petition of David Norris, for pardon, was taken up, read, and on the question "Shall the said David Norris be discharged from his confinement?" It was decided in the affirmative—yeas 11, nays 0. Those who voted in the affirmative are the Lieut. Gov., Messrs. Butler, Chittenden, Dana of O., Dana of C., Holley, Langdon, Merrill, Proctor, Roberts and Wetmore.

The House sent up the following for concurrence in the reference, to wit, The petitions of Absalom Peters, of Charles Cushman, of Ichabod Onion & Rufus Atwood, of Bliss B. Thatcher, of Lyman Raymond, and the account of Asa Knight, with an order of the House on each, that the

¹ For the speech see *Appendix A*.

² Rev. John E. Palmer was elected.

same be referred to the Committee of Claims; whereupon resolved to concur in said orders of reference. The House sent up the petition of Enos Harrington and others, with an order thereon that the same be referred to the Land tax Committee; whereupon resolved to concur in said order of reference. The House sent up the petition of Horace Boardman & others, and of Henry Stevens & others, with an order of the House on each, that the same be referred to the Committee on Manufactures.—Concurred in said order of reference. The House sent up the petition of Conant Sawyer and William Knowlton ^{2d} with an order of the House thereon that the same be referred to the Committee raised on the petition of Moses Lyon; whereupon resolved to concur in said order of reference. The House sent up the petition of William Henry & others, with an order of the House thereon that the same be referred to the Committee on education; whereupon resolved to concur in said order of reference. The House sent up the petition of C. H. Hammond, with an order of the House thereon that the same be referred to the Turnpike and Land tax Committee; whereupon resolved to concur in said order of reference. The House sent up the following for concurrence in the reference, the petition of Aaron Barrows and Harvey Deming, of Lyman Granger and others, of the Selectmen of Peru, and the report of the Auditor in the Treasury Department, with an order of the House on each that the same be referred to the Committee of Ways and Means; whereupon resolved to concur in said orders of reference.

The petition of John R. Page, for pardon, was taken up and read and the question put "Shall the said John R. Page be discharged from confinement?" which was determined in the affirmative—Yeas 9, Nays 2. Those who voted in the affirmative are the Lieut. Gov., Messrs. Butler, Chittenden, Dana of C., Holley, Langdon, Merrill, Proctor, Roberts and Wetmore—those who voted in the negative are Messrs. Butler and Dana of O.¹ The petition of John O. Connell, for pardon, was taken up, read and the question put "Shall the said John O. Connell be discharged from confinement?" which was determined in the affirmative. Those who voted in the affirmative are the Lieut. Gov., Messrs. Butler, Chittenden, Dana of C., Holley, Langdon, Merrill, Proctor, Roberts and Wetmore. Mr. Dana of O. voted in the negative. The petition of Meriner Floyd, for pardon, was taken up, read and the question put "Shall the said Meriner Floyd be discharged from confinement?" which was decided in the affirmative by an unanimous vote. The petitions of Samuel Cossett, James Bennet, James Converse, Nelson Douglass, Jacob B. Gage, John Johnson and John Murrey, for pardon, were severally taken up, read and on motion ordered to be dismissed. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M. — The Gov. and Council met pursuant to adjournment. The petition of David Wetherbee, for pardon, was taken up and the question put "Shall the said David Wetherbee be discharged from confinement?" which was decided in the affirmative — yeas 7, nays 3. Those who voted in the affirmative are The Lieut. Gov., Messrs. Chittenden, Dana of O., Dana of C., Merrill, Proctor and Wetmore.— Those who voted in the negative are Messrs. Holley, Langdon and Roberts. The petition of Thomas Williams, for pardon, was taken up and the question put "Shall the said Thomas Williams be discharged from confinement?" which was determined in the affirmative — yeas 7, nays 3. The petition of Solomon P. Wheeler, for pardon, was taken up and the question put "Shall the said Solomon P. Wheeler be discharged

¹ Mr. Butler is erroneously recorded on both sides of this question.

from confinement." Which was determined in the affirmative—Yeas 10, Nays 0. The petition of Joab Young, for pardon, was taken up and on motion of the Lieut. Gov. dismissed. The petition of Jonas Robinson, for pardon, was taken up and, on motion of Mr. Langdon, dismissed. Adjourned to Monday next 9 O'clock A. M.

MONDAY Oct. 17, 1825. 9 O'clock A. M.

The Gov. and Council met pursuant to adjournment. Mr. Pierpoint appeared in the Council Chamber, was qualified and took his seat.

Received from the House for concurrence in the reference—The Remonstrance of the inhabitants of Bradford, with an order of the House thereon that the same be referred to the Committee raised on the petition of William Barron and Hannah D. Barron, whereupon resolved to concur in said order of reference. Also the petition of Nathan Niles, with an order of the House thereon that the same be referred to the Committee raised on the petition of Pliny Wicker; whereupon resolved to concur in said order of reference. Also The petition of Coles Cock, of Jonathan Merrill, with an order of the House on each that the same be referred to the Committee raised on the petition of Jonas Smith; whereupon resolved to concur in said orders of reference. Also The petitions of William H. Williams, of Windham Turnpike Company, and of Samuel Holgate, with an order of the House on each that the same be referred to the Turnpike Committee; whereupon resolved to concur in said orders of reference. Also The petition of Moses Strong and others, with an order of the House thereon that the same be referred to the Committee on manufactures; whereupon resolved to concur in said order of reference. Also The petition of Jonah Jaquith, with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference. Also The petition of Mariam Nichols, and of Abel Dunning, with an order of the House on each that the same be referred to the Committee of Claims; whereupon resolved to concur in said orders of reference. Also The petitions of Stephen Drown and others, of Nathaniel P. Sawyer and others, of the Selectmen of Richford, of George Town and others, and of the Selectmen of Montgomery, with an order of the House on each that the same be referred to the Land tax Committee; whereupon resolved to concur in said orders of reference. Also The petition of Ebenezer Stone and Jonathan Stone—the Report of the Warden of the State's Prison—the Report of the Superintendent of the State Prison, with an order of the House on each that the same be referred to the Committee of Ways and Means; whereupon resolved to concur in said orders of reference. Also the petition of Foster Hooper and others and of Solomon Paddock and others, with an order of the House on each that the same be referred to the Committee on education; whereupon resolved to concur in said orders of reference.

The House sent up the following resolutions for concurrence to wit: "In General Assembly Oct. 15, 1825. *Resolved*, the Gov. and Council concurring herein, that so much of His Excellency's Speech as relates to education, schools and school funds, be referred to the Committee on Education. *Resolved*, the Gov. and Council concurring herein, that so much of his excellency's communication as relates to the education of the deaf and dumb, be referred to the Committee on education. *Resolved*, the Gov. and Council concurring herein, that so much of His Excellency's communication as relates to canals and canal commissioners, be referred to a select committee of four to join from Council." Which

were severally read ; whereupon resolved to concur in passing said resolutions and upon the last resolution His Honor the Lieut. Gov. is appointed from Council.

The House sent up the following resolutions for concurrence to wit, "In General Assembly Oct. 15, 1825. *Resolved*, the Gov. & Council concurring herein, that so much of his excellency's communication as relates to the subject of imprisonment for debt, be referred to the Judiciary Committee. *Resolved*, the Gov. & Council concurring herein, that so much of his excellency's communication as relates to the militia and the arsenal, be referred to the Military Committee," which were severally read; whereupon resolved to concur with the House in passing said resolutions. The House sent up the following resolution for concurrence to wit, "In General Assembly Oct. 15, 1825. *Resolved*, the Gov. and Council concurring herein, that the Congregational Society in Montpelier have liberty to occupy the State-House for the purposes of religious worship on Sundays during the present Session of the Legislature," which was read ; whereupon resolved to concur in passing this resolution.

His Excellency was pleased to appoint Daniel Kellogg Esq. Sec^y of the Gov. and Council for the year ensuing, and he was duly sworn. Adjourned to 2 O'clock P. M.

2 OCLOCK P. M.—The Gov. and Council met pursuant to adjournment. The House sent up the following resolution for concurrence to wit, "In General Assembly Oct^r 17, 1825. *Resolved*, the Governor and Council concurring herein, that both Houses meet in County Conventions, on tuesday next at 4 O'clock in the afternoon, for the purpose of making nominations of County officers ; and that they meet in Joint Committee in the representatives' room at the opening of the House on friday next, for the purpose of electing such officers," which was read and thereupon an amendment was proposed to said resolution which was read and adopted; whereupon resolved to concur in passing said resolution with said proposal of amendment; and reasons for the same were assigned in writing. Ordered that the Sec'y return said resolution and reasons to the House.

A written message was rec^d from the House informing the Gov. & Council that, agreeably to the rules of the House, they have appointed the following Standing Committees, in which they desire the Gov. and Council to join to wit, A Committee of 4 denominated the Committee of Ways and Means—A Committee of 4 denominated the Military Committee—A Committee of 4 denominated the Judiciary Committee—A Committee of 4 denominated the Committee of Claims—A Committee of 4 denominated the Turnpike Committee—A Committee of 4 denominated the Committee of insolvency—A Committee of 4 denominated the Committee of Manufactures—A Committee of 4 denominated the Committee of Agriculture—A Committee of 4 denominated the Land tax Committee—A Committee of 4 denominated the Committee on education—A Committee of 4 denominated the Committee on New Trials—A Committee of 13 denominated the General Committee—Whereupon *Resolved* to concur in the appointment of said Committees and M^r Butler was appointed on the Committee of Ways & Means—M^r Holley was appointed on the Military Committee—M^r Wetmore was appointed on the Judiciary Committee—The Lieut. Gov. was appointed on the Committee of Claims—M^r Roberts was appointed on the Turnpike Committee—M^r Dana of C. was appointed on the Committee of insolvency—M^r Proctor was appointed on the Committee on Manufactures—M^r Chittenden was appointed on the Committee on agriculture—M^r Pierpoint

was appointed on the Land tax Committee—M^r. Merrill was appointed on the Committee on education—M^r. Langdon was appointed on the Committee on New Trials—M^r. Dana of O. was appointed on the General Committee.

On motion voted to reconsider the vote dismissing the petition of Stephen Twist for pardon, whereupon a motion was made to discharge the said Stephen Twist from his said confinement upon condition that he leave the State within twenty days and do not return within the same again. And the question being put upon said motion it was determined in the affirmative—Yeas 11, Nays 1. Those who voted in the affirmative are, Lieut. Gov., Messrs. Butler, Chittenden, Dana of C., Holley, Langdon, Merrill, Pierpoint, Proctor, Roberts, Wetmore. M^r. Dana of O. voted in the negative. The petition of Leonard Corliss, for pardon, was called up and on motion of [the] Lieut. Gov. ordered to be dismissed. On motion, voted to reconsider the vote dismissing the petition of John Murry, and the question being put "Shall the said John Murry be discharged from his said confinement?" it was determined in the affirmative—Yeas 10, Nays 2. The petition of Jonathan Bidwell for pardon was called up, and on motion of the Lieut. Gov. ordered to be dismissed. The petition of Nathan Badger, for pardon, was called up and the question put "Shall the said Nathan Badger be discharged from his said confinement?" which was determined in the affirmative by an unanimous vote. On motion, voted to reconsider the vote dismissing the petition of Joab Young, and the same was ordered to lye on the table. Adjourned to 9 O'clock to morrow morrow.

TUESDAY Oct. 18, 1825. 9 O'clock A. M.

The Gov^r. and Council met pursuant to adjournment. The petition of Daniel Butler, for pardon, was called up and the question put "Shall the said Daniel Butler be discharged from confinement?" which was determined in the affirmative—Yeas 9, Nays —, upon the condition that the said Daniel Butler leave this State within twenty days and do not return within the same. The petition of William Freeman, for pardon, was called [up] and on motion of M^r. Butler, ordered to be dismissed.

Received from the House the following for concurrence in the reference to wit, "An act directing the mode of obtaining retailers' licenses." The petition of Joel Pratt and others, of Stephen Hinsdell and others, of the Selectmen of Concord, An act to exempt the Hartford Manufacturing Company from taxes—An act annexing the County of Essex to the County of Caledonia. Also the Report of the Committee on the subject of the Grand list, with an order of the House on each, that the same be referred to the General Committee; whereupon resolved to concur in said orders of reference. Also the petition of Thomas Crocker and others, of the Field officers of the 3^d. Regiment 3^d. Brigade and 4th. Division, with an order of the House on each that the same be referred to the Military Committee; whereupon resolved to concur in said orders of reference. Also The petition of Jonas Smith [with] an order of the House thereon that the same be referred to a Select Committee of two to join; whereupon resolved to concur in said order of reference, and M^r. Holley is appointed from Council. Also the petition of Moses Lyon, with an order of the House thereon that the same be referred to a Select Committee of three to join; whereupon resolved to concur in said order of reference, and M^r. Wetmore is appointed from Council. Also the petition of Pliny Wicker, with an order of the House

thereon that the same be referred to a Committee of two to join ; whereupon resolved to concur in said order of reference and Mr Pierpoint is appointed from Council. Also the petition of Charles F. Wicker, of Azariah Whipple, of Joseph Sholes, of William Douglass, of Israel Whitney, with an order of the House on each that the same be referred to Select Committees of two to join ; whereupon resolved to concur in said orders of reference and Mr Pierpoint is appointed from Council. Also An act to revive an act entitled an act to incorporate the Vermont lead refining and Manufacturing Company—Also An act for the benefit and encouragement of iron Manufactories — with an order of the House on each that the same be referred to the Committee on Manufactures ; whereupon resolved to concur in said orders of reference. Also An act regulating the tolls of one horse waggons over West river bridges in Brattleboro and Dummerston—Also An act granting a further time for making a road in the towns of Mount Holley and Wallingford—Also An act relating to the Strafford turnpike Company, with an order of the House on each that the same be referred to the Turnpike Committee ; whereupon Resolved to concur in said orders of reference. Also the petition of Micajah Ingham & others, of Ira Eaton & others, of Ebenezer Darling & others, of Otis Leland & others, with an order of the House on each that the same be referred to the land tax Committee ; whereupon resolved to concur in said orders of reference. Also The report of the committee on education, An act for the benefit of common schools, and the petition of the Trustees of Concord academy, with an order of the House thereon that the same be referred to the Committee on education ; whereupon resolved to concur in said orders of reference. Also the petition for New trial, James Steele vs. Bates and Shurtliffe, and An act for the relief of Leonard Deming, with an order of the House on each that the same be referred to the Committee of New trials ; whereupon resolved to concur in said orders of reference.

Rec^d from the House the following for concurrence in the reference to wit, An act in addition to an act relating to highways, passed Nov. 15, 1820 — Also An act authorising the town of Waterville to assess and collect taxes — Also the petition of Parker Noyes, of Joshua Garlick — Also An act in addition to the several acts defining the powers of Justices of the peace—Also An act relating to bills of divorce — Also An act directing proceedings against absconding or concealed debtors — Also An act in addition to an act entitled an act relating to jails and jailers and for the relief of persons imprisoned therein — Also An act in addition to an act constituting the Supreme Court of Judicature — Also An act to prevent the imprisonment of poor debtors in certain cases — Also An act repealing part of an act therein mentioned—with an order of the House on each that the same be referred to the Judiciary Committee ; whereupon resolved to concur in said orders of reference.

The House sent up the following for concurrence in the reference to wit—The petition of John Killburn and others, of Edward Woodruffe, of Heman Downey, of Solomon Downer, of D. G. Foster & others, of Lewis Keeler, of Thomas Todd, of Jonas Whitney Jun^r. of Gideon Bartlett—Also An act directing the Treasurer to pay Joseph S. Jennison, Charles Jennison and Nahum Jennison, the sum therein mentioned—Also An act directing the Treasurer of this State to pay Azariah Webb the sum therein mentioned—Also A bill authorising the Treasurer to pay Jacob Welch the sum therein mentioned—Also An act directing the Treasurer to pay Bingham Lasel the sum therein mentioned—Also An act directing the Treasurer to pay Charles Hall the sum therein mentioned—Also An act directing the Treasurer to pay Joseph Weeks the sum therein mentioned, with an order of the House on each, that

the same be referred to the Committee of Claims; whereupon resolved to concur in said orders of reference.

The House sent up the following for concurrence in the reference to wit; The petition of Amos Boorn & others, of Cyrus Canfield & others, with an order of the House on each that the same be referred to a committee of 4 to join; whereupon Resolved to concur in said orders of reference and Mr. Merrill is appointed on the same from Council. Also the petition of Jonathan Holland & others, of Jonas Allen & others, of Addison Albee & others, of Jeremiah Nourse & others, of Noah Peck & others, of Joseph Collins & others, with an order of the House on each that the same be referred to the Committee raised on the petition of Asa Phillips; whereupon Resolved to concur in said orders of reference. Also the petition of Thomas Hammond and others, with an order of the House thereon, that the same be referred to the Committee raised on that part of His Excellency's speech which relates to canals; whereupon resolved to concur in said order of reference.

The House sent up the following resolution for concurrence to wit, Resolved, the Gov. & Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of altering the law regulating the taxation of costs before the Gen^l Assembly, against petitioners praying for new trials; and that they report by bill or otherwise, which was read; whereupon Resolved to concur in passing this resolution. The House sent up the following resolution for concurrence to wit, Resolved the Gov. & Council concurring herein, that the General Committee be instructed to enquire into the expediency of providing by law for the taxing of Sheep in this State, and report by bill or otherwise, which was read, whereupon resolved to concur in passing this resolution. Also the following resolution, Resolved, the Gov. & Council concurring herein, that the Judiciary Committee be instructed to report a bill providing that no person shall be imprisoned for debt; and also providing an effectual system to prevent debtors from putting their property out of the reach of legal process, which was read; whereupon resolved to concur in passing this resolution. Also the following resolution, Resolved, the Gov. & Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of passing a law rendering more certain and simple the process of tendering personal property in payment of debts so as to prevent litigation about the same, which was read; whereupon resolved to concur in passing this resolution. Also the following resolution, Resolved, the Gov. and Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of repealing all laws in this state relating to usury, and report by bill or otherwise, which was read; whereupon resolved to concur in passing this resolution. Also the following resolution to wit, Resolved, the Gov. and Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of so amending the act relating to the judiciary as to provide for the obtaining of testimony of witnesses in any case pending before a court or the legislature for a new trial, and to report as soon as may be by bill or otherwise, which was read; whereupon resolved to concur in passing this resolution. Also the following resolution, Resolved, the Gov. & Council concurring herein, that the Judiciary Committee be and hereby are instructed to enquire into the expediency of repealing section fifth of an act in addition to an act defining the powers of Justices of the peace within this state, passed Nov. 15, 1821, which was read; whereupon resolved to concur in passing this resolution. Also the following resolution, Resolved, the Gov. & Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of

making some different arrangement in the present laws, and relating to the fees of the commissioners of jail delivery and report by bill or otherwise," which was read; whereupon resolved to concur in passing this resolution.

A communication was received from the Speaker of the House informing the Gov. and Council that they had concurred in the amendment proposed by the Gov. & Council to the resolution appointing a time for the meeting of the County Conventions.

The House sent up the following resolution for concurrence, Resolved, the Gov. and Council concurring herein, that the Military Committee be instructed to examine an act directing the mode of distributing the arms rec^d. from the United States and for other purposes, passed Oct. 12, 1812, and if in the opinion of said Committee the law alluded to is insufficient for the effectual preservation of said arms, it shall be the duty of the Committee to report a bill for the more effectual preservation of said arms — which was read; whereupon resolved to concur in passing this resolution. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M. — The Gov. & Council met pursuant to adjournment. The petition of Silas Plumly for pardon was called up, and on motion of Mr. Langdon ordered to be dismissed. The petition of Patrick Murphy for pardon was called up and on motion of Mr. Wetmore, ordered to be dismissed. The petition of William Longley for pardon was called up; and on motion of Mr. Dana of O. ordered to be dismissed. The petition of Lucius Hills for pardon was called up and on motion of Mr. Wetmore ordered to be dismissed. The petition of Rufus Green, for pardon, was called up and on motion of Mr. Wetmore, ordered to be dismissed. The petition of Amos C. Kimball for pardon was called up and the question put "Shall the said Amos C. Kimball be discharged from his confinement?" which was determined in the affirmative by an unanimous vote. The petition of William B. Herrick for pardon was called up and the question put "Shall the said William B. Herrick be discharged from his confinement?" which was determined in the affirmative by an unanimous vote. The petition of Moses Clough for pardon was called up and on motion of Mr. Dana of O. ordered to be dismissed. Adjourned to 9 O'clock to morrow morning.

WEDNESDAY, Oct. 19, 1825. 9 O'clock A. M.

The Gov. & Council met pursuant to adjournment. The House sent up the following for concurrence in the reference to wit, The petition of the Selectmen of Landgrove, of Daniel Weller, of Patrick Gaffney and Michael Smith. and of Anderson G. Dana, with an order of the House on each that the same be referred to the Committee of Ways and Means; whereupon resolved to concur in said orders of reference. Also The petition of sundry inhabitants of Middlesex, of John W. Tabor and others, and the Remonstrance of Henry Hodges and others, with an order of the House on each that the same be referred to the Committee raised on the petition of Asa Phillips; whereupon resolved to concur in said orders of reference. Also the petition of Thomas Emerson and others, with an order of the House thereon that the same be referred to the Turnpike Committee; whereupon resolved to concur in said order of reference. Also the petition of Edmund C. Hovey with an order of the House thereon that the same be referred to the Committee of Claims; whereupon resolved to concur in said order of reference. Also the petition of Oliver Luce, with an order of the House thereon that the same be referred to the Committee of insolvency; whereupon resolved

to concur in said order of reference. Also An act directing the manner of levying executions on the right of redeeming lands mortgaged, with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference. Also the petition of Thomas Taylor and others, of the inhabitants of Lunenburg, with an order of the House on each that the same be referred to the land tax Committee; whereupon resolved to concur in said orders of reference. Also the petition of William Thayer Jun^r & others, of Zephaniah Howard and others, of John H. Sanderson and others, with an order of the House thereon that the same be referred to the Military Committee; whereupon resolved to concur in said order of reference. Also the petition of Nathan Niles & others, with an order of the House thereon that the same be referred to a Select Committee of three to join; whereupon resolved to concur in said order of reference and Mr. Wetmore is appointed from Council. Also the petition of Jonas Allen & others, with an order of the House thereon that the same be referred to a Committee of two to join; whereupon resolved to concur in said order of reference—and Mr. Crafts is appointed from Council. Also An act to incorporate Bennington east village engine fire Company, with an order of the House thereon that the same be referred to a committee of four to join; whereupon resolved to concur in said order of reference and Mr. Merrill is appointed from Council. Also the petition of David H. Sumner, with an order of the House thereon that the same be referred to a Committee of four to join; whereupon resolved to concur in said order of reference and the Lieut. Gov. is appointed from Council.

Mr. Crafts appeared in the Council, was qualified and took his seat.

The petitions of Daniel Palmer, of Luraney Smally, of Josiah Sims, were severally taken up and on motion ordered to be dismissed. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. & Council met pursuant to adjournment. The petitions of Russell Jepherson, and of James Weston, for pardon, were severally taken up and on motion ordered to be dismissed. The petition of Joab Young, for pardon, was called up and the question put "Shall the said Joab Young be discharged from his confinement?" which was determined in the affirmative by an unanimous vote. Voted, to reconsider the vote dismissing the petition of Patrick Murphy, for pardon, and thereupon the question was put "Shall the said Murphy be discharged from confinement?" which was determined in the affirmative—Yeas 9, Nays 4. Adjourned to 9 O'clock to morrow morning.

THURSDAY Oct 20, 1825. 9 O'clock A. M.

The Gov. and Council met pursuant to adjournment. The House sent up the following for concurrence in the reference to wit—An act directing the Treasurer to pay Charles K. Williams, Ezra Butler and Stephen Haight the sum therein mentioned, Also the account of Harvey Scott, Also the petitions of Oliver Farrar and others, of Tappan Stevens, of Benjamin B. Sargent, of Abel Carter, with an order of the House on each that the same be referred to the Committee of Claims; whereupon resolved to concur in said orders of reference. Also the petition of Edward Wade, with an order of the House thereon that the same be referred to a committee of two to join; whereupon resolved to concur in said order of reference and Mr. Wetmore is appointed from the Council. Also the petition of Ozias Buel and others, with an order of the House that the same be referred to a committee of four to join; whereupon re-

solved to concur in said order of reference and Mr. Chittenden is appointed from the Council. Also the petition of the inhabitants of Barnard, with an order of the House thereon that the same be referred to a committee of two to join; whereupon resolved to concur in said order of reference and Mr. Proctor is appointed from Council. Also the petition of William Barron and Hannah D. Barron, with an order of the House thereon that the same be referred to a committee of four to join; whereupon resolved to concur in said order of reference and Mr. Pierpoint is appointed from Council. Also the petition of Asa Phillips and others, with an order of the House thereon that the same be referred to a committee of four to join; whereupon resolved to concur in said order of reference and Mr. Dana of O. is appointed from Council. Also the petition of Gideon Barber and others, with an order of the House thereon that the same be referred to the committee raised on the petition of Asa Phillips and others; whereupon resolved to concur in said order of reference. Also "An act amending the laws for the support of Schools," Also the petition of Job Lyman and Francis E. Phelps. Also the report of the Commissioner to the Hartford Asylum for the education of the deaf and dumb,¹ with an order of the House on each that the same be referred to the Committee on education; whereupon resolved to concur in said orders of reference.

His Honor the Lieut. Gov. was excused from serving on the Committee of Claims during the hearing of the petition of Benjamin [B.] Sargent, and Mr. Crafts was appointed in his room.

The House sent up the following for concurrence in the reference—The petition of William Ward and others, the remonstrance of James Southard, An act in addition to the several acts ascertaining the principles on which the list of this state shall be made, with an order of the House on each that the same be referred to the General Committee; whereupon resolved to concur in said orders of reference. Also An act authorising the constable of Burlington to serve process in Burlington Bay—An act to preserve fish in the waters of Bennington and Pownal—An act in addition to the several acts authorising the Supreme Court to appoint Commissioners of jail delivery, with an order of the House on each that the same be referred to the Judiciary Committee; whereupon resolved to concur in said orders of reference. Also the petition of Noyes Dennison and others, of Peter McLauchlin, of Eber Robinson and others, of Abel Keyes and others, of David Chadwick and others, of Daniel Mead and others, with an order of the House on each that the same be referred to the Land tax Committee; whereupon resolved to concur in said orders of reference. Also the report of the Canal Commissioner,² Also the petition of the Windham Turnpike Co. the petition of the town of Weathersfield, of Jonathan H. Hubbard and others—also An act for the relief of the town of Plymouth, with an order of the House on each that the same be referred to the Committee on Roads and Canals; whereupon resolved to concur in said orders of reference.

The House sent up the following for concurrence—"In Gen^l. Assembly Oct. 19, 1825. Resolved, the Gov. & Council concurring

¹ For the report of the commissioner, the late Hon. Horace Everett of Windsor, see printed *Assembly Journal* of 1825, pp. 35-37.

² For report of the Canal Commissioner, Hon. Horace Everett, see printed *Assembly Journal* of 1825, p. 38; and for a letter to the governor on the same subject, by Araunah Waterman and John L. Woods, see *same*, pp. 146-148.

herein, that the Judiciary Committee be instructed to enquire into the expediency of passing a law, the effect of which shall be to give the Supreme Court of Judicature power, in their discretion, to refer to Commissioners the subject matter of any appeal made from the decision of a Court of Probate, whose duty it shall be to report the facts in the case, to said Supreme Court, preparatory to the rendition of judgment thereon," which was read; whereupon resolved to Concur in passing this resolution. Also the following resolution, "In General Assembly Oct. 19, 1825. Resolved, the Gov. & Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of providing by law for a more summary and less expensive mode of collecting rents and dispossessing tenants who hold over beyond the term of their contract," which was read; whereupon resolved to concur in passing this resolution. Also the following resolution, "Resolved, the Gov. & Council concurring herein, that the Judiciary Committee be directed to enquire into the expediency of passing a law making it the duty of committees appointed to superintend the expenditure of land taxes, to give such notice when they present their accounts for allowance, as will give an opportunity to the land owners to appear and oppose the allowance of their accounts," which was read; whereupon Resolved to concur in passing this resolution. Also the following—"Resolved, the Gov. and Council concurring herein, that the Committee on the Judiciary be instructed to enquire into the expediency of granting licenses to sellers of lottery tickets by their paying annually to the Treasurer of this state _____ dollars, for the use of the state," which was read; whereupon resolved to concur in passing this resolution. Also the following resolution—"Resolved, that the General Committee be, and they are hereby instructed to enquire into the expediency of taxing bank stock," which was read; whereupon resolved to concur in passing this resolution. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. & Council met pursuant to adjournment. The House sent up the following for concurrence to wit—"Resolved, the Gov. & Council concurring herein, that the two houses meet in the representatives' room on Friday next at two O'clock for the purpose of electing Judges of the Supreme Court," which was read; whereupon resolved to concur in passing this resolution. Also the following—"Resolved, the Gov. and Council concurring herein, that both houses meet in the representatives' room to-morrow morning at ten O'clock, for the purpose of electing a Warden and Superintendent of the Vermont State prison for the year ensuing," which was read and concurred in by the Council.

The petition of Manna Case, for a pardon, was taken up and on motion of Mr. Pierpoint, was ordered to be dismissed. Adjourned to 9 O'clock to-morrow morning.

FRIDAY October 21, 1825. 9 O'clock A. M.

The Gov. & Council met pursuant to adjournment. The House sent up the following for concurrence in the reference to wit—The petition of Jabez Rogers, with an order of the House thereon that the same be referred to the Gen. Committee; whereupon resolved to concur in said order of reference. Also the petition of Elisha [Elias] Hall, with an order of the House thereon that the same be referred to the Committee of insolvency; whereupon resolved to concur in said order of reference. Also the petitions of Mary Fassett, and of Asaph Severance, with an

order of the House on each that the same be referred to the Committee of Claims ; whereupon resolved to concur in said orders of reference. Also the petition of the Artillery Company in Northfield, with an order of the House thereon that the same be referred to the Military Committee ; whereupon resolved to concur in said order of reference. Also a communication from his excellency the Gov. in relation to a light-house, with an order of the House thereon that the same be referred to the Judiciary Committee ; whereupon resolved to concur in said order of reference. Also An act annexing the sixth Company in the [2^d. Regiment] 3^d. Brigade and 3^d. Division to the 2^d. Reg^t in the 2^d. Brigade and 3^d. Division, with an order of the House thereon that the same be referred to the Military Committee ; whereupon resolved to concur in said order of reference. Also the petition of Daniel and Levi Goss, of Thomas Emerson and others, with an order of the House on each that the same be referred to the Committee of Ways & Means ; whereupon resolved to Concur in said orders of reference. Also the petition of John Tuthill, and an act in addition to an act entitled an act constituting the Supreme Court of Judicature and County Courts, defining their powers and regulating judicial proceedings, with an order of the House thereon that the same be referred to the Judiciary Committee ; whereupon resolved to concur in said orders of reference. Also the petition of Whitelaw V. Scott & others, of John Bush and Amos Rising with an order of the House on each that the same be referred to the Committee on roads and canals ; whereupon resolved to concur in said order of reference. Also the Remonstrance of the proprietors of Glastenbury, of the proprietors of Woodford and the petition of the inhabitants of Troy, with an order of the House on each that the same be referred to the land tax Committee ; whereupon resolved to concur in said orders of reference. Also the petition of Eliakim H. Johnson, with an order of the House thereon that the same be referred to the committee raised on that part of His Excellency's Speech relating to Canals and Canal Commissioners ; whereupon resolved to concur in said order of reference.

The House sent up the following resolution for concurrence to wit—Resolved, the Gov. and Council concurring herein, that the General Committee be instructed to enquire into the expediency of reporting a bill to the House, the effect of which will be that a lottery be instituted in this state to be denominated the Vermont State lottery, under the management of three Commissioners, and to be in successive classes, during the pleasure of the legislature, and the whole profits to be forever applied to the support of common schools throughout this state, which was read ; whereupon resolved to concur in passing this resolution. Also the following resolution, Resolved, the Gov. and Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of providing by law for the appointment of a Commissioner in each County, with power to audit and allow the accounts of magistrates, sheriffs, states attorneys and all other persons concerned, for the detection, apprehension and examination of persons charged with offences, which was read ; whereupon resolved to concur in passing this resolution. Also the following resolution, Resolved, the Gov. and Council concurring herein, that the General Committee be instructed to enquire into the expediency of making an alteration in the law relating to fence and fence-viewers, so far as to constitute fences four feet in height to be deemed good and lawful ; and report by bill or otherwise, which was read ; whereupon resolved to concur in passing this resolution. Also the following resolution, Resolved, the Gov. & Council concurring herein, that the General Committee be instructed to enquire into the expediency of restraining horned cattle from running at large

in the several towns in this state except by permission of the selectmen in the several towns in particular cases ; and that they report by bill or otherwise, which was read ; whereupon resolved to Concur in passing this resolution.

The Gov. & Council attended in the representatives' room and appointed County officers in the several Counties—also a Warden and Superintendent of the State prison, after which they returned to their Chamber.¹ Adjourned to 2 Oclock P. M.

2 OCLOCK P. M.—The Gov. & Council met pursuant to adjournment. The House sent up the following bill for revision and concurrence &c. to wit, "An act directing the Trensurer to pay Charles K. Williams, Ezra Butler and Stephen Haight the sum therein mentioned," which was read ; whereupon resolved to concur with the House in passing this bill. Ordered that the Sec^y inform the House accordingly.

The House sent up the petition of Elias Keyes, with an order thereon that the same be referred to the General Committee ; whereupon resolved *not* to concur in said order of reference, and said petition and reasons in writing for nonconcurrence were returned to the House.

The Gov. and Council attended in the House and appointed Judges of the Supreme Court, after which they returned to their Chamber.² Adjourned to 9 Oclock to morrow morning.

SATURDAY Oct. 22, 1825. 9 Oclock A. M.

The Council met pursuant to adjournment, His Honor the Lieut. Gov. in the Chair. The House sent up the following for revision and concurrence or proposals of amendment to wit, "An act appointing a collector in the town of Royalton," which was read ; whereupon resolved to concur with the House in passing this bill. Also "An act in addition to an act entitled an act to preserve the fish in Otter Creek, passed Oct. 31, 1823," which was read ; whereupon resolved to concur with the House in passing this bill. Also the following resolution to wit, "Resolved, the Governor and Council concurring herein, that the alterations of the constitution of the United States, proposed by the state of Georgia, on the 22^d day of Dec^r 1823, that no part of the constitution of the United States ought to be construed to authorise the importation or ingress of any person of colour into any one of the United States, contrary to the law of such state, be and the same is disapproved by the legislature of this state. And the Gov. of this state is hereby requested to transmit a copy of the foregoing resolution to the executive of each of the United States. Also Resolved that no further order be taken by this legislature upon the resolutions of the states of Maine and Ohio, which also disapprove of said alteration of the constitution of the United States," which was read ; whereupon resolved to concur with the House in passing this resolution. Ordered, that the Sec^y inform the House of the passage of the two bills and resolution last mentioned.

The House sent up the following for concurrence to wit, Resolved, the Gov. and Council concurring herein, that the Committee of Ways and Means be instructed to report a bill for the compensation of the Su-

¹ Jabesh Hunter was elected Warden, and John H. Cotton Superintendent.

² Richard Skinner, Samuel Prentiss, Titus Hutchinson, and Stephen Royce Jr. were elected.

perintendent of the Vermont state prison for his services for the past year, which was read; whereupon resolved to concur with the House in passing this resolution. Also the following resolution—Resolved, the Gov. & Council concurring herein, that there be a committee appointed consisting of four members from this House to join from Council, to take into consideration the propriety of proposing an amendment to the Constitution of the United States, providing for an uniform system of electing electors of President and Vice President and members of Congress, throughout the United States; and make report to this House—which was read; whereupon resolved to concur in passing this resolution.¹ Also the following resolution, Resolved, the Gov. and Council concurring herein, that the Judiciary Committee [be instructed] to enquire whether the first sittings of the County Courts in the Counties of Grand Isle, Franklin and Chittenden will be holden in Nov. or May, according to the present judiciary laws of this State, and to report by bill or otherwise, which was read; whereupon resolved to concur with the House in passing this resolution. Also the following resolution, Resolved, the Gov. and Council concurring herein, that the Judiciary Committee be directed to enquire into the expediency of passing a law so that any person paying debts after they have been arrested on execution, it shall have the same effect to prevent their taking the benefit of the poor debtors' oath, as though they shall have paid debts after their commitment on said execution, which was read; whereupon resolved to concur with the House in passing this resolution.

The House sent up the following for concurrence in the reference—An act in addition to and amendment of an act entitled an act for the distribution of laws, journals and other public papers, also the petition of Daniel Staniford, with an order of the House on each that the same be referred to the Judiciary Committee; whereupon resolved to concur in said orders of reference. Also the Remonstrance of Abner Mallory and others, with an order of the House thereon that the same be referred to the committee raised on the petition of Isaac Herrick & others; whereupon resolved to concur in said order of reference. Also the petition of William Hall and others, of John Downer and others, with an order of the House on each that the same be referred to the Committee on Manufactures; whereupon resolved to concur in said orders of reference. Also communications from several of the States in the Union, with an order of the House thereon that the same be referred to a committee of four to join; whereupon resolved to concur in said order of reference. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Council met pursuant to adjournment, His Honor the Lieut. Gov. in the Chair. Adjourned to 9 O'clock Monday morning.

MONDAY Oct. 24, 1825. 9 O'clock A. M.

The Council met pursuant to adjournment, the Lieut. Gov. in the Chair. The House sent up the following for concurrence in the reference to wit—An act directing the Treasurer to pay Charles Hall the sum therein mentioned, with an order of the House thereon that the same be recommitted to the Committee of Claims; whereupon resolved to concur in said order of recommitment.

¹ The committee reported a resolution adverse to making these matters the subject of an amendment to the constitution; which resolution was adopted by both houses.

Also the petition of Gideon Burrett, with an order of the House thereon that the same be recommitted to the Committee of Claims; whereupon resolved to concur in said order of recommitment. Also the petition of Noyes Dennison, with an order of the House thereon that the same be recommitted to the land tax Committee; whereupon resolved to concur in said order of recommitment. Also the petition of Aloni Rust, with an order of the House thereon that the same be referred to the Committee of Ways and Means; whereupon resolved to concur in said order of reference. Also the Canal Report of Horace Everett, with an order of the House thereon that the same be referred to that Committee raised on that part of His Excellency's Speech relating to Canals and Canal Commissioners; whereupon resolved to concur in said order of reference. Also the Remonstrance of Benjamin Deming, with an order of the House thereon that the same be referred to the land tax Committee; whereupon resolved to concur in said order of reference. Also An act in addition to an act entitled an act for the punishment of certain capital and other high crimes and misdemeanors, passed Nov. 11, 1818, with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference. Also the petition of George Weymouth, with an order of the House thereon that the same be referred to a committee of two to join; whereupon resolved to concur in said order of reference and Mr Crafts is appointed from Council. Also the petition of Anderson G. Dana, with an order of the House thereon that the same be referred to the Committee on education; whereupon resolved to concur in said order of reference.

The House sent up the following resolution for concurrence to wit—Resolved, the Gov. & Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of a law making provision that Commissioners of Jail delivery shall be appointed by the legislature, like other County officers, which was read; whereupon resolved to concur in passing this resolution. Also the following resolution to wit, Resolved, the Gov. and Council concurring herein, that the Committee on the Judiciary be instructed to enquire into the expediency of giving to poor debtors confined on executions or attachment, the right to appeal from the decisions of Jail Commissioners, which was read; whereupon resolved to concur in passing this resolution. Also the following resolution to wit, Resolved, the Gov. and Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of giving to poor debtors confined on execution or attachment, the privilege of attending freemen's meetings, without causing a breach of their jail bonds, which was read; whereupon resolved to concur in passing this resolution.

The House sent up the following bills for revision and concurrence or proposals of amendment to wit—"An act directing the Treasurer to pay the sum therein mentioned," which was read; whereupon resolved to concur with the House in passing this bill. Also "An act directing the Treasurer to pay to Asa Knight the sum therein mentioned," which was read; whereupon resolved to concur with the House in passing this bill. Also "An act directing the Treasurer to pay Absalom Peters the sum therein mentioned," which was read; whereupon resolved to concur with the House in passing this bill. Ordered that the Sec'y inform the House of the passage of the three bills last mentioned.

The House sent up for concurrence in the reference the petition of Isaac Herrick & others, with an order of the House thereon that the same be referred to a committee of four to join; whereupon resolved to

concur in said order of reference and Mr. Pierpoint is appointed from Council. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Council met pursuant to adjournment, the Lieut. Gov. in the Chair. The petitions of Roderick Brown and Jonas Stewart, for pardon, were severally called up and on motion of Mr. Pierpoint ordered to be dismissed. Adjourned to 9 O'clock to morrow morning.

TUESDAY Oct. 25, 1825. 9 O'clock P. [A.] M.

The Council met pursuant to adjournment, the Lieut. Gov. in the Chair. The House sent up the following for concurrence in the reference to wit, "An act for the relief of James Way," with an order of the House thereon that the same be referred to the Committee of ways and means; whereupon resolved to concur in said order of reference. Also "An act restoring Welcome Devoll to his legal privileges," with an order of the House thereon that the same be referred to the committee raised on the petition of Moses Lyon; whereupon, resolved to concur in said order of reference. Also "An act in amendment of an act entitled an act to promote the breed of Sheep, and to preserve different breeds distinct," with an order of the House thereon that the same be referred to the General Committee; whereupon resolved to concur in said order of reference. Also "An act granting a further time for making a road in the towns of Mount Holly and Wallingford," with an order of the House thereon that the same be recommitted to the committee on roads & canals; whereupon resolved to concur in said order of recommitment. Also the account of William Fay against the State, with an order of the House thereon that the same be referred to the Committee of Claims; whereupon resolved to concur in said order of reference. Also the petition of the Essex Bridge Company, with an order of the House thereon that the same be referred to the Committee on roads and canals; whereupon resolved to concur in said order of reference. Also An act directing the Treasurer to pay to Heman Lowry the sum therein mentioned, with an order of the House thereon that the same be referred to the Committee on Claims; whereupon resolved to concur in said order of reference. Also "An act ceding to the United States the exclusive jurisdiction over a scite for a light-house," with an order of the House thereon that the same be recommitted to the Judiciary Committee; whereupon resolved to concur in said order of recommitment.

The House sent up the following resolution for concurrence to wit—"Resolved, the Gov. and Council concurring herein, that the General Committee be instructed to enquire into the expediency of passing a law to take effect before another appraisal of real estate, for the purpose of making up the Grand List, abolishing the present system of appraising real estate, as a means of averaging taxes upon the inhabitants, and reviving and amending the ancient system, which is less troublesome and expensive," which was read; whereupon resolved to concur in passing this resolution. The House sent up the resolution, introduced by Mr. Barnum on the 19. instant, instructing the Judiciary Committee upon the subject of granting licenses to vendors of lottery tickets, with an order of the House thereon that the Judiciary Committee be discharged from the further consideration of the same, and that said resolution be referred to the Committee on education; whereupon resolved to concur in said order of reference.

Mr. Holley moved to reconsider the vote dismissing the petition of

Allen Howard for pardon, and the question being put, it was decided in the negative.

The House sent up for revision & concurrence &c. "An act to preserve the fish in the several waters within the town of Plymouth in the County of Windsor," which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House accordingly. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Council met pursuant to adjournment, the Lieut. Gov. in the Chair. The House sent up the following bills for revision and concurrence or proposals of amendment to wit, "An act compensating the Superintendent of the Vermont State Prison," which was read; whereupon *Resolved* to concur in passing this bill. Also "An act restoring Conant Sawyer and William Knoulton 2^d to their legal privileges," which was read; whereupon resolved to concur in passing this bill. Ordered, that the Sec^y inform the House of the passage of the two last mentioned bills. Also "An act incorporating certain persons therein mentioned by the name of the Rutland Iron manufacturing Company," which was read and thereupon amendments were proposed to the same which were read and adopted; whereupon resolved to concur with the House in passing this bill with said proposals of amendment, and M^r. Wetmore is appointed to assign reasons to the House.

On motion, M^r. Langdon had leave of absence from the Council until Monday next. Adjourned to 9 O'clock to morrow morning.

WEDNESDAY October 26, 1825. 9 O'clock A. M.

The Gov. & Council met pursuant to adjournment.

The House sent up the following for concurrence in the reference to wit, An act repealing the sixth section of an act therein mentioned and for other purposes, with an order of the House thereon that the same be referred to the Military Committee; whereupon *Resolved* to concur in said order of reference. Also An act to authorize the Guardian of the minor heirs of Elizabeth Hale to sell real estate, and the petition of John Fisk, with an order of the House on each that the same be referred to the committee raised on the petition of George Weymouth; whereupon resolved to concur in said orders of reference. Also the petition of Parris Fletcher, with an order of the House thereon that the same be referred to the committee raised on the petition of Pliny Wicker; whereupon resolved to concur in said order of reference. Also An act in explanation of an act entitled an act constituting the Supreme Court of Judicature and County Courts, defining their powers and regulating judicial proceedings, passed Nov. 11, 1818, with an order of the House thereon that the same be referred to the Committee on the Judiciary; whereupon resolved to concur in said order of reference.

The House sent up the following resolution for concurrence to wit, *Resolved*, the Gov. and Council concurring herein, that both houses meet in joint committee in the representatives' room to morrow morning at ten O'clock for the purpose of electing a Surveyor Gen^l for the State and an auditor of accounts against the State for the year ensuing, which was read; whereupon resolved to concur in the passage of this resolution and the House was informed of the same. Also the petition of Oliver Farrar and others, with an order of the House thereon [that] the same be referred to the Committee of Claims; whereupon resolved to concur in said order of reference. Also An act to authorize the Guardian of Jeremiah Andrews, late of Tunbridge, deceased, to sell and convey the real estate of his ward, with an order of the House thereon

that the same be referred to the Judiciary Committee; whereupon resolved to Concur in said order of reference. Also a resolution introduced by Mr. Ingham¹ on the 20th instant, instructing the General Committee upon the subject of granting a state lottery with an order of the House thereon that the Gen^l Committee be discharged from the further consideration of the same and that said resolution be referred to the committee on education; whereupon resolved to concur in said order of reference. Also a resolution of the nineteenth instant by Mr. Sprague² instructing the General Committee upon the subject of taxing bank stock, with an order of the House thereon that the same be recommitted to the same committee; whereupon resolved to concur in said order of recommitment. Also the following resolution to wit, Resolved, the Gov. and Council concurring herein, that the General Committee be instructed to enquire into the expediency of requiring by law, that all property within this state, as well real as personal, be appraised and set in the list on which all taxes shall be raised at a certain per cent. on the real value, and report by bill or otherwise, which was read; whereupon resolved to concur in passing this resolution. Also the following resolution to wit, Resolved, the Gov. and Council concurring herein, that the committee on roads and canals be instructed to enquire into the expediency of passing a law authorizing any County Court in this state to appoint a committee with power to discontinue any road which may have been laid out and established by a committee appointed by said County Court at any previous term thereof, which was read; whereupon resolved to Concur in passing this resolution. Also the following resolution to wit, Resolved, the Gov. and Council concurring herein, that the Military Committee be instructed to enquire into the expediency of making provision by law for gradually supplying the artillery companies in this state, not already supplied, with pieces of ordnance, which was read; whereupon resolved to concur in passing this resolution.

The House sent up for concurrence the Report of the Committee and accompanying resolution upon the subject of proposing amendments to the Constitution of the United States, which were read; whereupon resolved to concur in passing the same.³

The House sent up the following bills for revision &c. "An act laying a tax of three cents on each acre of land in the town of Coventry," which was read; whereupon resolved to concur in passing this bill. Also "An act for the relief of the town of Plymouth," which was read; whereupon resolved to concur in passing this bill. Also "An act directing the Treasurer to pay Joseph Weeks the sum therein mentioned," which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House of the passage of the three bills last mentioned.

The Gov. & Council attended in the House for further County appointments and also to appoint a Surveyor General and an auditor of accounts against this state and then returned to their Chamber.⁴

Adjourned to 2 O'clock P. M.

¹ Oliver, of Canaan.

² Nathan T. of Mount Holley, afterward of Brandon.

³ The report and resolution were adverse to proposing an amendment regulating the election of Presidential electors and members of Congress.—See printed *Assembly Journal* of 1825, pp. 71-72.

⁴ Calvin C. Waller was elected Surveyor General, and David Pierce Auditor.

2 O'CLOCK P. M.—The Gov. & Council met pursuant to adjournment. Adjourned to 9 O'clock to morrow morning.

THURSDAY October 27, 1825. 9 O'clock A. M.

The Gov. & Council met pursuant to adjournment. The House sent up the following for concurrence in the reference to wit, The petition of Moses Catlin, with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference. The petition of Elias Keyes, with an order of the House thereon that the same be referred to a committee of four to join; whereupon resolved to concur in said order of reference and Mr. Pierpoint is appointed from Council.

The House sent up for concurrence a resolution introduced by Mr. Austin¹ on the 26th instant instructing the Committee of Ways & Means to enquire into the expediency of compiling the laws relating to legal settlement, which was read; whereupon resolved to concur with the House in passing this resolution. Also a resolution introduced by Mr. Edgerton² on the 26th instant, instructing the Judiciary Committee to enquire into the expediency of so amending the laws as to authorise the Supreme and County Courts to sentence to hard labor in the state prison, or fine in their discretion, for any offence now punishable by fine only, which was read; whereupon resolved to concur with the House in passing this resolution. Also a resolution introduced by Mr. Eldridge³ on the 26th instant, instructing the Judiciary Committee to enquire into the expediency of altering the times for holding the Supreme and County Courts in this state, which was read; whereupon resolved to concur with the House in passing this resolution. Also a resolution introduced by Mr. Clark of M.⁴ instructing the General Committee to enquire into the expediency of passing a law providing that all persons who take a license to retail spirituous liquors shall enter into a recognizance in some exemplary sum, which was read; whereupon resolved to concur with the House in passing this resolution.

The House sent up the following bills for revision and concurrence &c. "An act directing the Treasurer to pay Lewis Keeler the sum therein mentioned," which was read; whereupon resolved to concur in passing this bill. Also "An act appointing a collector of taxes for the town of Barnard," which was read; whereupon resolved to concur in passing this bill. Also "An act laying a tax of three cents on each acre of land in the town of Lunenburg," which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House of the concurrence of the Gov. & Council in the passage of [the] three bills last mentioned. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. & Council met pursuant to adjournment. Adjourned to 9 O'clock to morrow morning.

¹ Samuel, of Tunbridge.

² Lebbeus, of Randolph.

³ John M. of Hinesburgh.

⁴ Gen. Jonas of Middletown.

FRIDAY Oct. 28, 1825.

The Gov. and Council met pursuant to adjournment. The House sent up the following for concurrence in the reference to wit, "An act to repeal an act therein mentioned," Also "An act in addition to an act for regulating and governing the militia of this state," with an order of the House on each that the same be referred to the Military Committee; whereupon resolved to concur in said orders of reference. Also "An act directing the Treasurer to pay the sum therein mentioned," with an order of the House thereon that the same be referred to the Committee of Claims; whereupon resolved to concur in said order of reference. Also "An act making further provisions relative to granting bills of divorce and alimony and to redress certain grievances," with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference. Also the petition of John Warner & others, with an order of the House thereon that the same be referred to the Military Committee; whereupon resolved to concur in said order of reference. Also "An act appropriating a sum of money for the purchase of surveyor's instruments to be deposited in the Surveyor General's office," with an order of the House thereon that the same be referred to [the] Committee of Ways and Means; whereupon resolved to concur in said order of reference.

A written message was received from the Speaker of the House, informing the Gov. & Council that the House had concurred in the amendments proposed by the Gov. & Council to the bill entitled "An act incorporating the Rutland iron manufacturing Company."

The House sent up for revision and concurrence &c. the following bills to wit—"An act incorporating the President, Directors and Company of the Bank of Montpelier," which was read and committed to Messrs. Butler and Wetmore for examination, who immediately reported the same without amendment and thereupon it was ordered that said bill be laid upon the table. Also "An act in addition to an act entitled an act incorporating the President, Directors and Company of the Bank of Montpelier," which was read and committed to Messrs. Butler and Wetmore who reported the same without amendment and it was ordered that said bill be laid upon the table. Also "An act incorporating the President, Directors and Company of the Bank of St. Albans," which was read and committed to Messrs. Butler and Wetmore. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. & Council met pursuant to adjournment. Resumed the consideration of the bill entitled "An act incorporating the President, Directors and Company of the Bank of Montpelier," which was read; whereupon resolved to concur with the House in passing this bill. Also "An act in addition to an act incorporating the President, Directors and Company of the Bank of Montpelier," which was read; whereupon resolved to concur with the House in passing this bill. Ordered that the Sec'y inform the House of the concurrence of the Gov. & Council in the passage of the two bills last mentioned. Adjourned to 9 O'clock to morrow morning.

SATURDAY Oct. 29, 1825. 9 O'clock A. M.

The Gov. & Council met pursuant to adjournment. The House sent up for revision &c. the bill entitled "An act altering the names of certain persons therein mentioned," which was read; whereupon resolved to concur with the House in passing this bill. Ordered that the Sec'y inform the House of the same.

The House sent up the following for concurrence in the reference to wit—"An act to raise money by lottery for a school fund and for other purposes," with an order of the House thereon that the same be referred to the Committee on education; whereupon resolved to concur in said order of reference. Also "An act in addition to an act directing the several County Courts in this state in the mode of setting out their respective jail yards and restricting them therein, passed Nov. 16, 1813," with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference. Also "An act to repeal an act therein mentioned," Also "An act establishing the form of certain oaths," with an order of the House on each that the same be referred to the Judiciary Committee; whereupon resolved to concur in said orders of reference. Also an act in amendment of the several acts directing the mode of obtaining licenses and laying duties on licenses, with an order of the House thereon that the same be referred to the General Committee; whereupon resolved to Concur in said order of reference. Also An act directing the Treasurer to pay Daniel Kellogg and Norman Williams the sums therein mentioned, with an order of the House thereon that the same be referred to the Committee of Claims; whereupon resolved to concur in said order of reference. Also an act to incorporate the Onion river navigation and tow-path Company, with an order of the House thereon that the same be referred to the Committee on roads and canals; whereupon resolved to Concur in said order of reference. Also the petition of Isaac Herrick & others, with an order of the House thereon that the same be referred to a committee of four to join; whereupon resolved to concur in said order of reference and Mr. Pierpoint is appointed from Council.

The committee to whom was committed the bill entitled "An act to incorporate the President, Directors and Company of the Bank of St. Albans" reported the same without amendment; whereupon resolved to concur with the House in passing this bill. Ordered that the Sec^y inform the House of the same. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. & Council met pursuant to adjournment. The House sent up for revision &c. "An act in addition to an act establishing a corporation by the name of the Windham Turnpike Company," which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House of the same. Adjourned to Monday next 9 O'clock A. M.

MONDAY Oct. 31, 1825. 9 O'clock A. M.

The Gov. & Council met pursuant to adjournment. The House sent up the following for concurrence to wit—The petition of Joseph Smith 2^d with an order of the House thereon that the same be referred to the committee raised on the petition of Pliny Wicker; whereupon resolved to concur in said order of reference. Also the petition of John Moulton and others, with an order of the House thereon that the same be referred to the Military Committee; whereupon resolved to concur in said order of reference. Also the message of His Excellency and the communication of D. Kellogg, with an order of the House thereon that the same be referred to a committee of two to join; whereupon resolved to concur in said order of reference and Mr. Pierpoint is appointed from Council. Also the petition of Elias Lyman Jun^r with an order of the House thereon that the same be referred to the Committee of Claims; whereupon resolved to concur in said order of reference. Also "An act in addition to the several acts relating to jails and jailers and for the re-

lief of persons imprisoned therein," with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to Concur in said order of reference. Also "An act annexing part of Kelly's Grant number two to the town of Kelleyvale" [Lowell,] with an order of the House thereon that the same be referred to the Committee raised on the petition of Asa Phillips; whereupon resolved to Concur in said order of reference. Also "An act authorizing a lottery in the State of Vermont for the term therein mentioned," with an order of the House thereon that the same be referred to the Committee on education; whereupon resolved to concur in said order of reference. Also the petition of Harvey Lamb & others, with an order of the House thereon that the same be referred to the committee on roads & canals; whereupon resolved to concur in said order of reference.

The House sent up the following resolution for concurrence to wit, Resolved, the Gov. & Council concurring herein, that a committee of four to join from Council be appointed to take into consideration the applications which have been or may be made by different individuals and companies for grants of lotteries in this state and report by bill or otherwise—which was read; whereupon resolved to concur in passing this resolution and Mr. Wetmore is appointed from Council.

The House sent up the following bills for revision and concurrence &c. to wit—"An act granting to David H. Sumner the right of a toll bridge," which was read; whereupon resolved to concur in passing this bill. Also "An act for the relief of Edward Wade," which was read; whereupon resolved to concur in passing this bill. Also "An act for the relief of the town of Peru," which was read; whereupon resolved to concur in passing this bill. Also "An act directing the Treasurer to pay Solomon Downer the sum therein mentioned," which was read; whereupon resolved to concur in passing this bill. Also "An act directing the Treasurer to pay Jonas Whitney Jun^r the sum therein mentioned," which was read; whereupon resolved to concur in passing this bill. Also "An act laying a tax of four cents on each acre of land in the town of Holland," which was read; whereupon resolved to concur in passing this bill. Also "An act laying a tax of three cents on each acre of land in the town of Sheffield," which was read; whereupon resolved to concur in passing this bill. Also "An act assessing a tax on the County of Orleans," which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House of the passage of the nine bills last mentioned. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. & Council met pursuant to adjournment. The House sent up for revision &c. the bill entitled "An act for the relief of Aloni Rust," which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House accordingly.

Mr. Pierpoint, on motion, was excused from serving on the committee raised on the memorial of Elias Keyes and Mr. Crafts was appointed to supply his place. Adjourned to 9 O'clock to morrow morning.

TUESDAY November 1, 1825. 9 O'clock A. M.

The Gov. and Council met pursuant to adjournment. The House sent up the following for concurrence in the reference to wit—A communication from His Excellency the Gov^r relating to the visit of General Lafayette to this state, with an order of the House thereon that the same be referred to the Committee of Ways and Means; whereupon

resolved to concur in said order of reference.¹ Also "An act in addition to an act entitled an act empowering the selectmen of Wells and Poultney in the County of Rutland to draw the waters of a certain mill-pond raised in Wells and Poultney to their ancient and natural level at certain seasons of the year," with an order of the House thereon that the same be referred to the Committee who reported it; whereupon resolved to Concur in said order of reference. Also An act incorporating certain persons by the name of the Franklin County Steamboat Company, with an order of the House thereon that the same be referred to the Committee raised on that part of His Excellency's Speech relating to Canals; whereupon resolved to Concur in said order of reference. Also An act appointing a collector in the town of Franklin, with an order of the House thereon that the same be referred to the land tax Committee; whereupon resolved to Concur in said order of reference. Also An act in addition to an act regulating the conveyance of real estate and for the prevention of fraud therein, with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference. Also The petition of William A. Griswold, with an order of the House thereon that the same be referred to the General Committee; whereupon resolved to concur in said order of reference. Also the following resolution to wit, Resolved, the Gov. and Council concurring herein, that the Military Committee be instructed to enquire into the expediency of providing by law a method by which commandants of companies may collect fines incurred by minors, from their parents, masters or guardians, which was read; whereupon resolved to concur in passing this resolution. Also the following resolution to wit, "Resolved, the Gov. and Council concurring herein, that the General Committee be instructed to enquire into the expediency of passing a law making any Captain or master of any vessel or boat and any other person, who shall land or introduce any foreigner into this state, liable to the maintenance of such foreigner if he shall become chargeable to any town in this state"—which was read; whereupon resolved to concur in passing this resolution.

The House sent up the following bills for revision and concurrence &c. "An act directing the Treasurer to pay Ichabod Onion and Rufus Atwood of Chester the sum therein mentioned," which was read; whereupon resolved to concur in passing this bill. Also "An act granting to Pliny Wicker the right to keep a ferry," which was read; whereupon resolved to concur in passing this bill. Also "An act granting to Charles F. Wicker the right to keep a ferry," which was read; whereupon resolved to concur in passing this bill. Also "An act for the relief of James Way," which was read; whereupon resolved to concur in passing this bill. Also "An act to authorize the Guardian of the minor heir of Jeremiah Andrews late of Tunbridge, deceased, to sell and convey the real estate of his ward," which was read; whereupon resolved to concur in passing this bill. Also "An act authorising the Auditor of Accounts to administer oaths in certain cases," which was read; whereupon resolved to concur in passing this bill. Also "An act directing the Treasurer of this State to credit the Town of Landgrove the amount therein mentioned," which was read; whereupon resolved to concur in passing this bill. Also "An act laying a tax on the County of Orange," which was read; whereupon resolved to concur in passing this bill.

¹ Gov. Van Ness communicated an account of expenses incurred, amounting to \$564.77, but not including his personal expenses. — See printed *Assembly Journal* of 1825, p. 99.

Also "An act assessing a tax on the County of Windsor," which was read; whereupon resolved to concur in passing this bill. Also "An act authorising the inhabitants of Waterville to assess and collect taxes on the list of the polls and rateable property of said town," which was read; whereupon resolved to concur in passing this bill. Also, "An act laying a tax of four cents on each acre of land in that part of the town of Mount tabor formerly called Harwich," which was read; whereupon resolved to concur in passing this bill. Also "An act directing the Treasurer to pay Abel Carter the sum therein mentioned," which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec'y inform the House of the concurrence of the Gov. & Council in the passage of the twelve bills last mentioned. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. & Council met pursuant to adjournment. The House sent up the following resolution for concurrence to wit—"Resolved, the Gov. & Council concurring herein, that both houses meet in the representatives' room to morrow morning at ten O'clock for the purpose of electing a person to preach the next election sermon," which was read; whereupon resolved to concur in passing this resolution. Also the following resolution to wit, "Resolved, the Gov. & Council concurring herein, that the two houses meet in the representatives' room in Joint Committee to morrow morning at 10 O'clock, for the purpose of electing five trustees of the University of Vermont, to supply the vacancy occasioned by the expiration of office of William Nutting, William Baxter, Ezra Meach, Guy Catlin and Titus Hutchinson," which was read; whereupon resolved to concur in passing this resolution.

The House sent up the following bills for revision and concurrence or proposals of amendment—"An act in addition to the several acts authorising the Supreme Court to appoint Commissioners of Jail delivery," which was read and thereupon amendments were proposed to the same, which were read and adopted; whereupon Resolved to concur in passing this bill with said proposals of amendment and reasons for said amendments were assigned in writing. Also "An act laying a tax of four cents on each acre of land in the town of Kellyvale [Lowell] including Kelly's Grant N^o two," which was read; and thereupon amendments were proposed to said bill which were read and adopted; whereupon Resolved to concur in passing this bill with said proposals of amendment and reasons for the same were proposed [assigned] in writing. Also "An act laying a tax of six cents on each acre of land in the town of Wolcott," which was read and thereupon amendments were proposed to said bill which were read and adopted; whereupon resolved to concur in passing this bill with said proposals of amendment and reasons for the same were assigned in writing. Ordered that the Sec'y return the three bills last mentioned to the House and request their concurrence in the several proposed amendments. Adjourned to 9 O'clock to morrow morning.

WEDNESDAY Nov. 2 1825. 9 O'clock A. M.

The Gov. & Council met pursuant to adjournment. The House sent up the following for concurrence in the reference to wit—An act incorporating the Vermont Canal Company, with an order of the House thereon that the same be referred to the committee raised on that part of His Excellency's Speech relating to Canals; whereupon resolved to concur in said order of reference.

M^r. Langdon appeared in the Council and took his seat.

The House sent up the following for concurrence to wit, An act in addition to the act regulating the settlement of testate and intestate estates, with an order of the House thereon that the same be referred to the Judiciary Committee ; whereupon resolved to concur in said order of reference.

The House sent up the following resolution for concurrence—"Resolved, that His Excellency the Gov. with the advice of the Council, be requested to appoint thursday the first day of December next to be observed as a day of public thanksgiving and praise throughout this state," which was read ; whereupon resolved to concur in passing this resolution. Also the following resolution, "Resolved, the Gov. & Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of altering or repealing 'An act in addition to the several acts directing the mode of attaching real estate,' passed Nov. 6, 1823, and report by bill or otherwise," which was read ; whereupon resolved to concur in passing this resolution.

A message was received from the House by Mr. [Titus] Hutchinson, one of its members, informing that the House had nonconcurrent in the amendments proposed by the Gov. and Council to the bill entitled "An act in addition to the several acts authorising the Supreme Court to appoint commissioners of jail delivery," and after assigning the reasons of the House and requesting the Gov. and Council to rescind from their proposals of amendment and to concur in the passage of said bill, he withdrew ; whereupon resolved to concur in passing this bill without said proposals of amendment.

The House sent up the following bills for concurrence &c. "An act to revive an act laying a tax on the town of Highgate," which was read ; whereupon resolved to concur in passing this bill. Also "An act laying a tax on the County of Windham," which was read ; whereupon resolved to concur in passing this bill. Also "An act authorising any constable of Burlington to serve process on the wharf and on vessels in Burlington bay," which was read ; whereupon resolved to concur in passing this bill. Also "An act incorporating certain persons therein named by the name of the Bellows Falls fire company," which was read ; whereupon resolved to concur in passing this bill. Also "An act to incorporate certain persons therein mentioned by the name of the Middlebury iron manufacturing Company," which was read ; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House of the passage of the six bills last mentioned.

The Gov. and Council attended in the representatives' room and made further County appointments ; and also elected a person to preach the next election sermon, and five trustees of the University of Vermont, after which they returned to their Chamber.¹ Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. & Council met pursuant to adjournment.

The House sent up the following bills for concurrence &c. "An act directing the Treasurer to pay Simeon Ide the sum therein mentioned," which was read ; whereupon resolved to concur in passing this bill. Also "An act to incorporate the President, Directors and Company of the Bank of Caledonia," which was read ; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House of the

¹The appointments were Rev. Wilbur Fisk to preach the sermon, and Rev. Buel Goodsell substitute ; trustees, William Nutting, Rev. John Wheeler, William Baxter, Guy Catlin, and Rev. Worthington Smith.

concurrence of the Gov. & Council in the passage of the two bills last mentioned.

Mr Chittenden moved to reconsider the vote dismissing the petition of William Freeman for pardon, and it was ordered that the consideration of said motion be postponed until to morrow morning. Adjourned to 9 Oclock to morrow morning.

THURSDAY Nov. 3, 1825. 9 Oclock A. M.

The Gov. & Council met pursuant to adjournment. The House sent up the following for concurrence in the reference to wit—"An act for the benefit of iron Manufactories," with an order of the House thereon that the same be referred to the Committee on Manufactures; whereupon resolved to concur in said order of reference. Also the petition of Lyman Smith, with an order of the House thereon that the same be referred to the Committee on education; whereupon resolved to concur in said order of reference. Also the following resolution to wit, Resolved, the Gov. & Council concurring herein, that the Sec^y of State be directed and he is hereby authorised, as soon as may be, to cause all the public acts of this session and of all future sessions of the legislature of this state to be printed in all the newspapers printed in this state, and that the auditor of accounts allow therefor three cents per line, estimated in long primer type, to such as print the same, with an order of the House thereon that the same be referred to the General Committee; whereupon resolved to concur in said order of reference.

The House sent up the following bills for revision and concurrence &c. to wit—"An act granting a further time for making a road in the towns of Mount Holly and Wallingford," which was read; whereupon resolved to concur in passing this bill. Also "An act to preserve fish in Barnard pond," which was read; whereupon resolved to concur in passing this bill. Also "An act ceding to the United States the exclusive jurisdiction over a scite for a light-house," which was read; whereupon resolved to concur in passing this bill. Ordered that Sec^y inform the House of the concurrence of the Gov. & Council in the passage of the three bills last mentioned.

Resumed the consideration of the motion to reconsider the vote dismissing the petition of William Freeman, and the same was reconsidered, and thereupon the question being put "Shall the said William Freeman be discharged from confinement?" it was determined in the affirmative—Yeas 7, Nays 5. Adjourned to 2 Oclock P. M.

2 Oclock P. M.—The Gov. & Council met pursuant to adjournment. The House sent up for concurrence a resolution instructing the committee to whom was referred the petition of William Barron and Hannah D. Barron to report the facts and law relating to said petition, which was read; whereupon resolved to concur in passing this resolution.

The House sent up the following bills for concurrence &c.—"An act incorporating Bennington east village fire engine Company," which was read; whereupon resolved to concur in passing this bill. Also "An act to preserve the fish in the waters of Bennington and Pownal in the County of Bennington," which was read; whereupon resolved to concur with the House in passing this bill with certain proposals of amendment, and reasons for said amendments were assigned in writing. Ordered that the Sec^y return said bill and reasons to the House. Also "An act to incorporate the President, Directors and Company of the bank of Vergennes," which was read and committed to Mr Holley for examination and amendment. Also "An act in addition to the several acts for

the support of Schools," which was read; whereupon resolved *not* to concur with the House in passing this bill and reasons for nonconcurrency were assigned in writing. Ordered that the Sec'y return said bill and reasons to the House. Adjourned to 9 O'clock to morrow morning.

FRIDAY Nov. 4, 1825. 9 O'clock A. M.

The Gov. and Council met pursuant to adjournment. The House sent up the following resolution for concurrence to wit—"Resolved, the Gov. and Council concurring herein, that both Houses meet in County Conventions at the adjournment of the House to morrow afternoon, for the purpose of nominating Commissioners of jail delivery for the several counties; and that both houses meet in Joint Committee in the representatives' room on wednesday next at ten O'clock in the forenoon to make the appointment of said Commissioners," which was read; whereupon resolved to concur in passing this resolution. Ordered that the Sec'y inform the House accordingly.

The House sent up the following for concurrence in the reference to wit—"An act to repeal an act therein mentioned," with an order of the House thereon that the same be referred to the committee on roads and canals; whereupon Resolved to concur in said order of reference. Also An act authorising County Surveyors to take the acknowledgement of deeds, with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference. Also An act in amendment of the several acts directing the mode of obtaining licenses and laying duties on licenses, with an order of the House thereon that the same be referred to the General Committee; whereupon resolved to concur in said order of reference. Also An act authorising S. W. & S. S. Keyes to build a wharf, with an order of the House thereon that the same be referred to the committee raised on that part of his Excellency's Speech which relates to canals; whereupon resolved to concur in said order of reference.

The House sent up the following bill for revision and concurrence &c. "An act in addition to and alteration of an act entitled an act for the distribution of laws, journals and other public papers," which was read; whereupon Resolved to concur in passing this bill. Ordered that the Sec'y inform the House of the same. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. & Council met pursuant to adjournment. The House sent up the following resolution for concurrence to wit, "Resolved, the Gov. & Council concurring herein, that the two houses meet in Joint Committee in the representatives' room at two o'clock this afternoon for the purpose of electing a Major General of the 2^d. Division of the militia to fill the vacancy occasioned by the decease of Major General Elisha Hopkins," which was read; whereupon resolved to concur in passing this resolution.

A written message was received from the Speaker of the House of representatives, informing that the House had concurred in the amendments proposed by the Gov. & Council to the following bills to wit, "An act to preserve the fish in the waters of Bennington and Pownal in the County of Bennington," and "An act laying a tax of Six Cents on each acre of land in the town of Wolcott."

Mr. Holley, to whom was committed the bill entitled "An act to incorporate the President, Directors and Company of [the Bank of] Vergennes," reported the same with an amendment and the bill and amendment were laid upon the table.

The Gov. & Council attended in the representatives' room and elected a Major General of the 2^d Division of the militia, after which they returned to their Chamber.¹ Adjourned to 9 O'clock to morrow morning.

SATURDAY Nov. 5, 1825. 9 O'clock A. M.

The Gov. & Council met pursuant to adjournment. The House sent up the following resolution for concurrence to wit, Resolved, the Gov. and Council concurring herein, that the two houses meet in Joint Committee in the representatives' room to morrow morning at ten O'clock for the purpose of electing Brigadier Generals of the first Brigade first Division and third Brigade first Division and third Brigade and third Division of the militia of this state, to fill the several vacancies occasioned by the resignation of Brigadier Generals Smith, Francis and Fairbanks; and a Brigadier General of the second Brigade in the second Division to fill the vacancy occasioned by the promotion of General Clark—which was read; whereupon resolved to concur with the House in passing this resolution. Ordered that the Sec^y inform the House of the same.

The House sent up the following for concurrence in the reference—"An act dividing the County of Chittenden into two probate Districts," with an order of the House thereon that the same be referred to the members of Chittenden County; whereupon resolved to concur in said order of reference. Also An act to incorporate the President, Directors and Company of the bank of Orange County, with an order of the House thereon that the same be referred to the General Committee; whereupon resolved to concur in said order of reference. Also An act annexing Reuben Wilkinson Jun^r of West Haven to the ninth School District in Benson, with an order of the House thereon that the same be referred to the Committee on education; whereupon resolved to concur in said order of reference. Also An act legalizing the proceedings of Ward Bayley Jun^r first constable of the town of Minehead [Bloomfield,] with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to Concur in said order of reference. Also An act repealing the second section of an act therein mentioned—with an order of the House thereon that the same be referred to the General Committee; whereupon resolved to concur in said order of reference. Also An act granting a further time to make a road in the town of Brookfield, with an order of the House thereon that the same be referred to the Committee on roads and canals; whereupon resolved to concur in said order of reference.

The House sent up the following resolution for concurrence to wit, "Resolved, the Gov. and Council concurring herein, that the Committee on education be instructed to enquire if any and what encouragement should be given by the state to M^r. Ebenezer Hutchinson, on account of his elegant and improved edition of Whitelaw's map of Vermont," which was read; whereupon resolved to concur in passing this resolution.

The Gov. and Council attended in the representatives' room and elected several Brigadier Generals, after which they returned to their Chamber.²

¹ Jonas Clark of Middletown was elected.

² The following named persons were elected Brigadier Generals: Phineas Mather Jr., Mills May, James Farnsworth, John Kellogg.

The House sent the following bills for revision and concurrence &c. to wit, "An act directing the Treasurer to pay Daniel Kellogg and Norman Williams the sums therein mentioned," which was read; whereupon resolved to concur in passing this bill. Also "An act directing the Treasurer to pay Miriam Nickols the sum therein mentioned," which was read: whereupon resolved to concur in passing this bill. Also "An act establishing the form of certain oaths," which was read; whereupon resolved not to concur with the House in passing this bill, and reasons for nonconcurrence were assigned in writing by Mr. Crafts. Ordered that the Sec^y return the three bills last mentioned to the House.¹

The bill entitled "An act directing the Treasurer to pay Edward Simonds the sum therein mentioned" was read and committed to Messrs. Roberts and the Lieut. Governor for examination. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. and Council met pursuant to adjournment. The committee to whom was committed the bill entitled "An act directing the Treasurer to pay Edward Simonds the sum therein mentioned," reported that the same ought not to pass; whereupon resolved not to concur with the House in passing this bill, and reasons were assigned in writing by Mr. Wetmore. Ordered that the Sec^y return said bill and reasons to the House.

Resumed the consideration of the bill entitled "An act to incorporate the President, Directors and Company of the bank of Vergennes," and after hearing counsel for and against the passage of said bill, it was ordered that said bill be laid upon the table until Monday afternoon next.

The House sent up the following for concurrence in the reference—"An act to repeal a part of an act therein mentioned," with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference. Adjourned to Monday next 9 O'clock A. M.

MONDAY Nov. 7, 1825. 9 O'clock A. M.

The Gov. & Council met pursuant to adjournment. The House sent up the following for concurrence in the reference to wit—An act for the encouragement of Manufactures, with an order of the House thereon that the same be referred to the Committee on Manufactures; whereupon resolved to concur in said order of reference. Also "an act in addition to and amendment of an act entitled an act to enforce the due observation of the Sabbath," with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference. Also "An act making further provision for reporting the decisions of the Supreme Court," with an order of the House thereon that the same be referred to the Judiciary Committee. Concurred in said order of reference.

The House sent up the following resolution for concurrence to wit, "In General Assembly Nov. 5, 1825. Resolved, the Gov. & Council concurring herein, that the Surveyor of the public buildings be instructed to erect a spire and lightning-rod over the cupola of the State-House," which was read; whereupon resolved to concur with the House in passing this resolution—ordered that the Sec^y inform the House of the same.

The House sent up the following bills for revision and concurrence &c. to wit—"An act to incorporate the Onion river navigation and tow-path

¹ That is, two concurred, and one nonconcurred.

Company," which was read; whereupon resolved to concur in passing this bill. Also "An act in explanation of an act entitled an act in addition to an act entitled an act constituting the Supreme Court of Judicature and County Courts, defining their powers and regulating judicial proceedings, passed Nov. 11, 1824," which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House of the passage of the two bills last mentioned.

Resumed the consideration of the bill entitled "An act to incorporate the President, Directors and Company of the bank of Vergennes," having voted to consider the same at this time. Mr. Pierpoint moved to amend said bill by erasing the word "Vergennes" wherever it occurs in said bill and inserting in lieu thereof the word "Middlebury," and the question being thereupon put, it was decided in the negative. His Honor the Lieut. Gov. moved to reconsider the vote negating the proposed amendment providing for a branch of said bank at Middlebury,¹ and the question being put it was decided in the negative. The question was then put "Will the Council concur with the House in passing this bill?" which was determined in the negative by yeas and nays—Yeas 6, nays 7, and so the Gov. and Council resolved not to concur with the House in passing this bill and reasons were assigned by Mr. Langdon in writing. Ordered that the Sec^y return said bill and reasons to the House. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. & Council met pursuant to adjournment. The House sent up the following bills for revision and concurrence &c. "An act laying a tax of four cents on each acre of land in the town of Northfield," which was read; whereupon resolved to concur with the House in passing this bill. Also "An act laying a tax of six cents on each acre of land in the town of Groton and Harris Gore," which was read; whereupon resolved to concur in passing this bill. Also "An act laying a tax of four cents on each acre of land in the town of Richford," which was read; whereupon resolved to concur in passing this bill. Also "An act laying a tax of three cents on each acre of land in the town of Montgomery," which was read; whereupon resolved to concur with the House in passing this bill. Also "An act in addition to an act incorporating certain persons therein named by the name of Essex bridge Company," which was read; whereupon resolved to concur in passing this bill. Also "An act in addition to an act to establish a County Grammar School in the County of Orleans, passed Nov. 15, 1820," which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House of the passage of the six bills last mentioned. Also "An act in addition to the several acts constituting the Supreme and County Courts and regulating judicial proceedings," which was read and thereupon amendments were proposed to said bill which were read and adopted, whereupon resolved to concur with the House in passing this bill with said proposals of amendment and Mr. Pierpoint was appointed to assign reasons to the House. Adjourned to 9 O'clock to morrow morning.

¹ This was not the form of Mr. Pierpoint's amendment. Probably the fact was that, in moving a reconsideration of Mr. Pierpoint's amendment, the Lieutenant Governor suggested a change, so as to authorise a branch, at Middlebury, of the bank of Vergennes.

TUESDAY Nov. 8, 1825. 9 O'clock A. M.

The Gov. & Council met pursuant to adjournment. The House sent up the following for concurrence in the reference to wit, An act directing the Treasurer to pay Horace Everett the sum therein mentioned, with an order of the House thereon that the same be referred to the Committee of ways & means; whereupon resolved to concur in said order of reference. Also "An act regulating the payment of debts and demands that shall be due in stock, grain, produce or any kind of personal property," with an order of the House thereon that the same be referred to the Gen^l Committee; whereupon resolved to concur in said order of reference. Also An act providing for the building of a State Arsenal, with an order of the House thereon that the same be referred to the Gen^l Committee; whereupon resolved to concur in said order of reference. Also the following resolution, "Resolved that the General Committee, to whom was referred the bill providing for a State Arsenal, be instructed to report what acts have been done in pursuance of the law of the last session of the Legislature on the same subject," which was read; whereupon resolved to concur in passing this resolution. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M. — The Gov. & Council met pursuant to adjournment. Rec^d. a written message from the Speaker of the House informing that the House had concurred in the amendments proposed by the Gov. & Council to the bill entitled "An act in addition to the several acts constituting the Supreme and County Courts and regulating judicial proceedings."

The Reports of the Inspector General of beef and pork were rec^d. and placed on file.

The House sent up the following bills for revision and concurrence to wit—"An act ceding to the United States the exclusive jurisdiction over a scite for a United States Arsenal at Vergennes," which was read; whereupon resolved not to concur in passing this bill and reasons for their nonconcurrence were assigned in writing. Ordered that the Sec^y return said bill and reasons to the House. Also "An act directing the Treasurer to pay David G. Foster the sum therein mentioned," which was read and thereupon amendments were proposed which were read and adopted; whereupon resolved to concur with the House in passing this bill with said proposals of amendment, and His Honor the Lieut. Gov. was appointed to assign reasons to the House. Adjourned to 9 O'clock to morrow morning.

WEDNESDAY, Nov. 9, 1825. 9 O'clock A. M.

The Governor and Council met pursuant to adjournment. The House sent up the following resolution for concurrence to wit, "In General Assembly Nov. 9, 1825. Resolved, the Gov. & Council concurring herein. that both Houses meet in Joint Committee in the representatives' room, this morning at ten O'clock, for the purpose of choosing three Directors of the Vermont State Bank," which was read; whereupon resolved to concur in passing this resolution. Ordered that Sec^y inform the House accordingly.

The House sent up the following bill for concurrence & revision &c. "An act granting to Ozias Buel and his associates a certain tract of land therein mentioned," which was read; whereupon resolved not to concur with the House in passing this bill, and reasons for nonconcurrence were assigned in writing—ordered that the Sec^y return said bill and reasons to the House.

The House sent up the following for concurrence to wit, The Report of Arunah Waterman and John L. Woods of the survey of a canal route on Onion River, with an order of the House thereon that the same be referred to the Committee raised on that part of His Excellency's Speech which relates to canals and canal routes ; whereupon resolved to concur in said order of reference.¹ Also "An act in amendment of the several acts directing the mode of obtaining licences and laying duties on licences, with an order of the House thereon that the same be referred to the General Committee ; whereupon resolved to concur in said order of reference. Also "An act giving further time to the inhabitants of the town of Washington to make and complete a road running through a part of said town, laid out by a committee appointed by the Supreme Court at Chelsea August term 1822," with an order of the House thereon that the same be referred to the Committee on roads and canals ; whereupon resolved to concur in said order of reference. Also the Report of the agent appointed to Settle the claims of the administrators of David Edmond and of Daniel Webster against this state, with an order of the House thereon that the same be referred to the Committee of ways and means ; whereupon resolved to concur in said order of reference. Also "An act in addition to an act entitled an act establishing permanent salaries for certain officers and for regulating certain fees and taxable costs, passed Nov. 5, 1821," with an order of the House thereon that the same be referred to the Judiciary Committee ; whereupon resolved to concur in said order of reference.

The House sent up the following bills for revision and concurrence &c. "An act granting a ferry to Joseph Smith 2^d," which was read ; whereupon resolved to concur with the House in passing this bill. Also "An act altering the name of Diana Weller," which was read ; whereupon resolved to concur with the House in passing this bill. Also "An act for the benefit of the deaf and dumb," which was read ; whereupon resolved to concur with the House in passing this bill. Also "An act directing the Treasurer to pay William Fay the sum therein mentioned," which was read ; whereupon resolved to concur in passing this bill. Also "An act directing the Treasurer to pay Edmund C. Hovey the sum therein mentioned," which was read ; whereupon resolved to concur in passing said bill. Ordered that the Sec^y inform the House of the five bills last mentioned being concurred in by the Gov. and Council. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. and Council met pursuant to adjournment. The House sent up the following bills for revision and concurrence &c. "An act directing the Treasurer to pay William Speneer and Stewart Brown the sum therein mentioned," which was read ; whereupon resolved not to concur in passing this bill and reasons for nonconcurrence were assigned in writing. Also "An act in addition to an act entitled an act in addition to an act constituting the Supreme Court of Judicature and County Courts, defining their powers and regulating judicial proceedings, passed Nov. 11, 1814," which was read ; whereupon resolved not to concur in passing this bill and reasons for nonconcurrence were assigned in writing. Ordered that the Sec^y return said bills and reasons to the House. Also "An act to provide for improving the navigation in the valley of Connecticut river," which was read ; whereupon resolved to concur in passing this bill. Adjourned to 9 O'clock to morrow morning.

¹ See printed *Assembly Journal* for 1825, pp. 146-148.

THURSDAY Nov. 10, 1825. 9 O'clock A. M.

The Gov. & Council met pursuant to adjournment. The House sent up the following resolution for concurrence to wit, "Resolved, the Gov. & Council concurring herein, that the auditor of accounts against this State be authorized to settle and audit the accounts of the Quarter Master Gen^l from Oct. 1 1820 to this time," which was read; whereupon resolved to concur with the House in passing this resolution. Also the following resolution, "Resolved that the Judiciary Committee be instructed to enquire into the expediency of so altering an act entitled an act relating to poor debtors passed Nov. 9. 1812, that the persons therein named may be admitted to the oath prescribed by law before the same court and in the same manner as allowed to other poor debtors, and report by bill or otherwise," which was read; whereupon resolved to concur with the House in passing this resolution.

The House sent up the following for concurrence to wit, "An act providing for the session of the Supreme Court in Essex County," with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference.

The House sent up the following bills for revision and concurrence &c. "An act to incorporate certain persons therein named by the name of the Barnet Cotton and Woollen manufacturing Company," which was read; whereupon resolved to concur in passing this bill. Also "An act in addition to an act entitled an act empowering the selectmen of Wells and Poultney in the County of Rutland to draw the waters of a certain mill-pond raised in Wells and Poultney to their ancient and natural level at certain seasons of the year, passed Oct. 31, 1806," which was read; whereupon resolved to concur with the House in passing this bill. Also "An act annexing Solomon Paddock of Hartford to school district number seven in Woodstock," which was read; whereupon resolved to concur in passing this bill. Also "An act restoring Welcome Devoll to his legal privileges," which was read; whereupon resolved to concur in passing this bill. Also "An act to incorporate the literary society of Monkton" [Monkton,] which was read; whereupon resolved to concur in passing this bill. Also "An act directing the Treasurer to pay Lyman Raymond the sum therein mentioned," which was read; whereupon resolved to concur in passing this bill. Also "An act to repeal an act therein mentioned," which was read; whereupon resolved not to concur in passing this bill and reasons for nonconcurrence were assigned in writing. Ordered that the Sec^y return the seven bills last mentioned to the House. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. & Council met pursuant to adjournment. Adjourned to 9 O'clock to morrow morning.

FRIDAY Nov. 11, 1825. 9 O'clock A. M.

The Gov. & Council met pursuant to adjournment. The House sent up for revision and concurrence the bill entitled "An act repealing the sixth section of an act therein mentioned and for other purposes," which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House accordingly.

The House sent up the following for concurrence in the reference to wit—The account of Robert Temple, with an order of the House thereon that the same be referred to the Committee of Claims; whereupon resolved to concur in said order of reference. Also "An act in addition to an act entitled an act in addition to the several acts defining the pow-

ers of Justices of the peace within this state," Also "An act to authorise the sale of land in Westhaven," with an order of the House on each that the same be referred to the Judiciary Committee; whereupon resolved to concur in said orders of reference. Also "An act in addition to an act entitled an act directing the mode of obtaining licences and regulating Inns and houses of public entertainment, passed Nov. 2, 1798," with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference. Also "An act directing the Treasurer to pay William Slade Jun^r the sum therein mentioned," with an order of the House thereon that the same be referred to the Committee raised on [that part of] His Excellency's message relating to the Compiled laws; whereupon resolved to concur in said order of reference.

The House sent up the following bills for revision and concurrence to wit—"An act assessing a tax for the support of government," which was read; whereupon resolved to concur in passing this bill. Also "An act for the relief of Alexander Young," which was read; whereupon resolved to concur in passing this bill. Also "An act in addition to the several acts relating to taxes for making roads and building bridges," which was read; whereupon resolved to concur in passing this bill. Also "An act authorising the Judges of the County Court of the County of Windham to set out the limits of the jail yard in said County," which was read; whereupon resolved to concur in passing this bill. Also "An act for the benefit and encouragement of iron Manufactories," which was read; whereupon resolved to concur in passing this bill. Also "An act in addition to the several acts regulating town meetings and the choice and duty of Town officers," which was read; whereupon resolved to concur in passing this bill. Also "An act directing the appointment of Canal Commissioners," which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House of the passage of the seven bills last mentioned.

The Gov. & Council attended in the House and elected three Directors of the Vermont State bank and three Commissioners to superintend the expenditure of the money appropriated for the education of the deaf and dumb.¹ Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M. — The Gov. & Council met pursuant to adjournment. The Gov. & Council proceeded at this time to appoint two Canal Commissioners agreeably to the provisions of "an act entitled an act directing the appointment of Canal Commissioners," and the ballots being taken and examined, Robert Pierpoint & Samuel C. Crafts, having each a majority, were declared duly elected. Adjourned to 9 O'clock to morrow morning.

SATURDAY Nov. 12, 1825. 9 O'clock A. M.

The Gov. & Council met pursuant to adjournment. The House sent up the following for concurrence in the reference—"An act incorporating the Ascutney fire insurance Company," with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference. Also "An act in addition to an act entitled an act in addition to the several acts for laying out, making, repairing and clearing highways, passed Nov. 18, 1824,"

¹ The Directors elected were Benjamin Swan, John Jackson, and Job Lyman; and the Commissioners were Horace Everett, Chauncey Langdon, and Aaron Leland.

with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference. Also the following resolution, "Resolved that the Judiciary Committee be instructed to enquire into the expediency of so altering the law that all officers serving writs returnable to a Justice of the peace, shall return the same twenty-four hours before the time of trial," which was read; whereupon resolved to concur in passing this resolution.

The House sent up the following bill for revision and concurrence to wit—"An act directing the Treasurer to pay to the order of His Excellency the Gov. the sum therein mentioned," which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House accordingly. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—the Gov. and Council met pursuant to adjournment. Adjourned to 9 O'clock Monday next.

MONDAY Nov. 14, 1825. 9 O'clock A M.

The Gov. & Council met pursuant to adjournment. The House sent up the following bill for revision and concurrence to wit—"An act laying a tax on the County of Washington," which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House of the same.

The House sent up the following for concurrence in the reference to wit—"An act authorising the County Court for the County of Windsor to sustain the petition of Elias Keyes for a new trial," with an order of the House thereon that the same be recommitted to the Committee who reported it; whereupon resolved to concur in said order of recommitment. Also "An act directing the Treasurer to pay Joseph Howes the sum therein mentioned," with an order of the House thereon that the same be referred to the Committee of Claims; whereupon resolved to concur in said order of reference.

The House sent up the following for revision and concurrence to wit, "An act repealing part of an act therein mentioned," which was read; whereupon resolved not to concur in passing this bill—and reasons for nonconcurrence were assigned in writing. Ordered that the Sec^y return said bill and reasons to the House.

A message was received from the House by M^r Clark of M. one of its members, announcing the death of M^r Warner,^a a member of the House, and requesting the Gov. & Council to unite with the House in attending his funeral, and he withdrew. Whereupon the Gov. & Council resolved to unite with the House of representatives in attending the funeral of the deceased. Ordered that the Sec^y inform the House accordingly.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. & Council met pursuant to adjournment. A message was rec^d from the House by M^r Kellogg, one of its mem-

¹The sum was \$564.77, "being for expenditures in the reception of General Lafayette, incurred in pursuance of a resolution passed at the last session of the legislature"—1824.

• ^aThe Hon. Joseph Warner of Sudbury, who represented that town fourteen years, was Councillor two years, and was for three years one of the judges of Rutland County Court. He was father of the late Hon. Joseph Warner of Middlebury.

bers, informing that the House was now ready to attend the funeral of Mr. Warner. The Gov. & Council attended the funeral of the deceased, after which they returned to their Chamber. Adjourned to 9 O'clock to morrow morning.

TUESDAY Nov. 15, 1825. 9 O'clock A. M.

The Gov. and Council met pursuant to adjournment. The House sent up the following for concurrence to wit—An act incorporating certain persons therein named by the name of the Vergennes manufacturing Company, with an order of the House thereon that the same be referred to the Committee on Manufactures; whereupon resolved to concur in said order of reference. Also the petition of Elias Hall, with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon Resolved to concur in said order of reference.

Resumed the consideration of the bill entitled "An act for the relief of Hannah D. Barron," and after hearing counsel for and against the passage of said bill, the same was laid upon the table. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. & Council met pursuant to adjournment. Resumed the consideration of the bill entitled "An act for the relief of Hannah D. Barron," which was read; whereupon resolved to concur with the House in passing this bill—ordered that the Sec^y inform the House of the same.

On motion, Mr. Holley was excused from further attendance in the Council from and after this day.

The House sent up the following bills for revision and concurrence &c. to wit—"An act to incorporate the Battenkill Canal Company," which was read, and thereupon amendments were proposed to said bill which were read and adopted; whereupon resolved to concur with the House in passing this bill with said proposals of amendment and Mr. Wetmore is appointed to assign reasons to the House. Also "An act making the necessary appropriations for the support of government and for other purposes," which was read; whereupon resolved to concur with the House in passing this bill. Also "An act for the relief of Ebenezer Stone and Jonathan Stone," which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House of the passage of the two bills last mentioned. Adjourned to 9 O'clock to morrow morning.

WEDNESDAY Nov. 16, 1825. 9 O'clock A. M.

The Gov. & Council met pursuant to adjournment. A message was received from the House by Mr. Allen, one of its members, informing that the House had repassed the bill entitled "An act repealing part of an act therein mentioned," and requested the Gov. and Council to concur with the House in passing said bill, and after assigning the reasons of the House he withdrew—and thereupon amendments to said bill were proposed which were read and adopted; whereupon resolved to concur in passing this bill with said proposals of amendment and reasons for the same were assigned by Mr. Roberts.

The House sent up the account of E. P. Walton with an order thereon that the same be referred to the Committee of Claims; whereupon resolved to concur in said order of reference.¹

¹ This was an account of the late Gen. Ezekiel P. Walton, for newspapers furnished to members of the legislature. Oct. 14 1825, the Speaker was authorized to assign a seat upon the floor of the House to

The House sent up the following bills for revision and concurrence &c. to wit—"An act declaring the academy in Concord to be a County grammar School in the County of Essex and for other purposes," which was read; whereupon resolved to concur in passing this bill. Also "An act annexing a part of the town of Mount tabor in the County of Rutland to the town of Dorset in the County of Bennington," which was read; whereupon resolved to concur in passing this bill. Also "An act repealing the second section of an act therein mentioned," which was read; whereupon resolved to concur in passing this bill. Also "An act to incorporate the Vermont infirmary," which was read; whereupon resolved to concur in passing this bill. Also "An act to authorize the Guardian of the minor heirs of Milo Stebbins late of Williamstown deceased to sell and convey the real estate of his wards," which was read; whereupon resolved to concur in passing this bill. Also "An act to authorize the Guardian of the minor heirs of Stephen Folsom, of Tunbridge, deceased, to sell and convey the real estate of his wards," which was read; whereupon resolved to concur in passing this bill. Also "An act to authorize Moses Catlin, Guardian of the minor heirs of Sophia Mitchell, to sell real estate," which was read; whereupon resolved to concur in passing this bill. Also "An act directing the Treasurer of this state to pay Horace Everett the sum therein mentioned," which was read; whereupon resolved to concur in passing this bill. Also "An act annexing Reuben Wilkinson Jun^r of West haven to the ninth school district in Benson," which was read; whereupon resolved to concur in passing this bill. Also "An act altering the name of Navy to that of Charleston," which was read; whereupon resolved to concur in passing this bill. Also "An act authorizing Samuel W. Keyes and Stephen S. Keyes to erect a wharf in Missisquoi bay in the town of Highgate," which was read; whereupon resolved to concur in passing this bill. Also "An act in addition to an act entitled an act in addition to an act reducing into one the several acts for laying out, making, repairing and clearing highways," which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House of the concurrence of the Gov. & Council in the passage of the twelve bills last mentioned. Also, "An act making further provisions for reporting the decisions of the Supreme Court," which being read amendments were proposed to the same which were read and adopted; whereupon resolved to concur with the House in passing this bill with said proposals of amendment and M^r Pierpoint is appointed to assign reasons to the House. Adjourned to 2 O'clock P. M.

some person to report the debates and proceedings, and Edward V. Sparhawk was selected—the first reporter, to whom, in addition to the amount paid by Gen. Walton, the State voted fifty dollars. The reports were printed in the *Vermont Watchman*, then the only newspaper printed in Montpelier. This is the origin, it is believed, of official legislative reports. Subsequently for a time a slip of legislative reports was printed daily for the use of both houses, by order of the legislature; and this speedily grew into a small daily newspaper, published during the session, with which the members were supplied, at the expense of the state, as an aid in the discharge of their official duties. The modern custom, of furnishing newspapers not specially useful in this regard, is an innovation entirely inconsistent with the original design of the legislature.

2 OCLOCK P. M. — The Gov. & Council met pursuant to adjournment. The House sent up the following bills for revision and concurrence &c. "An act incorporating the Bellows Falls Manufacturing Company," which being read amendments were proposed to the same which were read and adopted; whereupon resolved to concur in passing this bill with said proposals of amendment and Mr. Wetmore is appointed to assign reasons to the House. Also "An act taxing agents of foreign fire insurance companies," which being read, amendments were proposed to the same which were read and adopted; whereupon resolved to concur in passing this bill with said proposals of amendment and reasons were assigned in writing by Mr. Holley. Ordered that Sec^y return said bill and reasons to the House. Also "An act ascertaining the principles on which the list of this state shall be made and directing listers in their office and duty," which being read amendments were proposed to the same which were read and adopted; whereupon resolved to concur in passing this bill with said proposals of amendment and Mr. Wetmore is appointed to assign reasons to the House. Adjourned to 9 Oclock to morrow morning.

THURSDAY Nov. 17, 1825. 9 Oclock A. M.

The Gov. & Council met pursuant to adjournment. The House sent up the following bills for revision and concurrence to wit—"An act directing the Treasurer to pay Robert Temple the sum therein mentioned," which was read; whereupon resolved to concur in passing this bill. Also "An act directing the Treasurer to pay Joseph Howes the sum therein mentioned," which was read; whereupon resolved to concur in passing this bill. Also "An act directing the Treasurer to pay Jonas Clark the sum therein mentioned," which was read; whereupon resolved to concur in passing this bill. Also "An act directing the Treasurer to pay William Slade Jun^r the sum therein mentioned," which was read; whereupon resolved to concur in passing this bill. Also "An act to incorporate the Medical Society of the University of Vermont," which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House of the passage of the five bills last mentioned.

A message was received from the House by Mr. Allen, one of its members, informing that the House had not concurred in the amendments proposed by the Gov. & Council to the bill entitled "An act repealing part of an act therein mentioned," and after assigning the reasons of the House he withdrew—whereupon resolved to suspend the passing of this bill until the next session of the Legislature. Ordered that the Sec^y inform the House of the same.

A message was received from the House by Mr. Bell, one of its members, informing that the House had not concurred in the amendments proposed by the Gov. & Council to the bill entitled "An act laying a tax of four cents on each acre of land in the Town of Kellyvale [Lowell,] including Kelly's Grant Number two," and after assigning the reasons of the House he withdrew—whereupon resolved to rescind from said amendments and to concur with the House in passing this bill. Ordered that Sec^y inform the House of the same.

The House sent up the following bills for concurrence &c. to wit—"An act altering the names of certain persons therein mentioned," which being read amendments were proposed to the same which were read and adopted; whereupon [resolved] to concur in passing this bill with said proposals of amendment, and reasons were assigned in writing by

Mr. Langdon—ordered that Sec^y return said bill and reasons to the House. Also "An act repealing an act therein mentioned," which was read; whereupon resolved to concur in passing this bill. Also "An act to repeal an act therein mentioned," which was read; whereupon resolved to concur in passing this bill. Also "An act in addition to an act entitled an act for the punishment of certain capital and other high crimes and misdemeanors, passed Nov. 11, 1818," which was read; whereupon resolved to concur in passing this bill. Also "An act in addition to an act entitled an act in addition to the several acts for laying out, making, repairing and clearing highways, passed Nov. 18, 1824," which was read; whereupon resolved to concur in passing this bill. Also "An act establishing a corporation by the name of the Warren turnpike Company," which was read; whereupon resolved to concur in passing this bill. Also "An act incorporating the Ascutney insurance Company," which was read; whereupon resolved to concur in passing this bill—ordered that Sec^y inform the House of the passage of the six bills last mentioned.

The House sent up the following for concurrence in the reference to wit—"An act directing the Treasurer to pay the sum therein mentioned," with an order of the House thereon that the same be referred to the committee on education; whereupon resolved to concur in said order of reference.

The House sent up the following resolution for concurrence to wit—"In General Assembly Nov. 15, 1825. Resolved, the Governor and Council concurring herein, that our senators in Congress be instructed and our representatives requested to use their endeavours to procure the passage of an act of Congress directing the sessions of the Circuit Courts and District Courts of the United States for the District of Vermont to be hereafter holden at Montpelier in said District," which was read; whereupon resolved to concur with the House in passing this resolution.

The House sent up the following bills for revision and concurrence to wit—"An act annexing a part of Kelly's Grant number two to the town of Kellyvale" [Lowell.] which was read; whereupon resolved to concur in passing this bill. Also "An act giving further time to the inhabitants of the town of Washington to make and compleat a road running through a part of said town, laid out by a committee appointed by the Supreme Court at Chelsea August Term 1822," which was read; whereupon resolved to concur in passing this bill. Also "An act for the benefit of common Schools," which was read; whereupon resolved to concur in passing this bill. Ordered that Sec^y inform the House of the passage of the three bills last mentioned.

His Excellency the Gov., by and with the advice and consent of the Council, was pleased to appoint Asa Aikens Esquire Reporter of the decisions of the Supreme Court of this State.

The Gov. & Council appointed Joseph Howes Superintendant of the public buildings for the year ensuing. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. and Council met pursuant to adjournment. The House sent up the following bills for revision and concurrence &c. "An act reviving an act entitled an act to incorporate the Vermont lead refining and manufacturing Company," which was read and thereupon amendments were proposed to the same which were read and adopted; whereupon resolved to concur with the House in passing this bill with said proposals of amendment and Mr. Wetmore is appointed to assign reasons to the House. Also "An act to provide for the distribution and sale of the compiled laws," which was read and thereupon amendments were proposed to the same which were read and adopted; whereupon

resolved to concur in passing this bill with said proposals of amendment and Mr. Pierpoint is appointed to assign reasons to the House. Also "An act incorporating certain persons therein named by the name of the Vergennes manufacturing Company," which was read and thereupon amendments were proposed to the same which were read and adopted; whereupon resolved to concur with the House in passing this bill with said proposals of amendment and Mr. Wetmore is appointed to assign reasons to the House.

The House sent up the following resolution for concurrence to wit—"Resolved, the Gov. and Council concurring herein, that both Houses meet in the representatives' room on Friday next at six o'clock in the morning for the purpose of adjourning both Houses without day; and that all the unfinished business then remaining be referred to the next session of the legislature," which was read and an amendment was proposed to the same which was read and adopted; whereupon resolved to concur in passing this Resolution with said proposal of amendment and reasons for the same were assigned in writing.

The House sent up the bill entitled "An act directing the Treasurer to pay Ezekiel P. Walton the sum therein mentioned," with an order of the House thereon that the same be recommitted to the Committee of Claims; whereupon resolved to concur in said order of recommitment.

The House sent up the following bills for revision and concurrence to wit, "An act granting to Nathan Niles the exclusive right of a ferry," which was read; whereupon resolved to concur with the House in passing this bill. Also "An act providing for the session of the Supreme Court in the County of Essex," which was read; whereupon resolved to concur with the House in passing this bill. Ordered that the Sec'y inform the House of the passage of the two bills last mentioned. Also "An act incorporating Otter Creek and Castleton river Canal Company," which was read, and thereupon amendments were proposed to the same which were read and adopted; whereupon resolved to concur in passing this bill with said proposals of amendment and Mr. Wetmore is appointed to assign reasons to the House. Also "An act in addition to an act entitled an act regulating and governing the militia of this state, passed Nov. 10, 1818," which was read; and thereupon amendments were proposed to the same which were read and adopted; whereupon resolved to concur in passing this bill with said proposed amendments and Mr. Wetmore is appointed to assign reasons to the House. Also "An act authorising the County [Court of the County] of Windsor to sustain the petition of Elias Keyes for a new trial," which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec'y inform the House of the same.

A written message was received from the Speaker of the House, informing that the House had concurred in the amendments proposed by the Gov. and Council to the bills of the following titles, to wit, "An act taxing agents of foreign fire insurance Companies," "An act directing the Treasurer to pay David G. Foster the sum therein mentioned," "An act to incorporate the Battenkill Canal Company," "An act making further provision for reporting the decisions of the Supreme Court," "An act incorporating the Bellows Falls manufacturing Company," "An act incorporating the Quechy manufacturing Company," and "An act ascertaining the principles on which the list of this state shall be made, and directing the listers in their office and duty."

The House sent up the following resolution for concurrence to wit, "Resolved, the Gov. and Council concurring herein, that his excellency the Gov. of this state be requested to solicit the Hon. the Sec'y of the War department of the United States to direct and employ some suita-

ble engineer or engineers to ascertain the different heights of land and the waters on the several routes in this state where it is contemplated to make canals and improve the navigation of the waters thereof; and aid the several Commissioners of this state to make a survey of them," which was read; whereupon resolved to concur in passing this resolution. Ordered that Sec'y inform the House of the same.

The House sent up the following bills for revision and concurrence &c. to wit—"An act in addition to an act entitled an act constituting Probate Courts and defining their powers and regulating the settlement of testate and intestate estates and the guardianship of minors and insane persons," which was read; whereupon resolved to concur in passing this bill. Also "An act making an appropriation for the payment of certain claims against this state," which was read; whereupon resolved to concur in passing this bill. Ordered that Sec'y inform the House of the passage of the two bills last mentioned. Also, "An act granting a ferry to Israel Whitney," which being read amendments were proposed to the same which were read and adopted; whereupon resolved to concur in passing this bill with said proposals of amendment and Mr. Pierpoint is appointed to assign reasons to the House.

Mr. Pierpoint introduced the following resolution to wit, "Resolved, the General Assembly concurring herein, that it shall be the duty of the Gov. & Council, annually, to appoint some suitable person whose duty it shall be to take charge of, and keep in good order, all the books and public documents deposited in the State-House in Montpelier; and that a suitable room in the State-House be placed under the control of such person for a place of deposit for such books and documents. And such person, in the discharge of his duty, shall be governed by such rules and regulations as the Governor and Council shall from time to time prescribe," which was read and passed and ordered to be sent to the House for their concurrence.

The House sent up the following bill for revision and concurrence to wit, "An act directing the Treasurer to pay Ezekiel P. Walton the sum therein mentioned," which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec'y inform the House of the same. Adjourned to Six O'clock P. M.

6 O'CLOCK P. M. — The Gov. and Council met pursuant to adjournment. The House sent up the following bills for revision and concurrence to wit—"An act directing the Treasurer to pay Edward V. Sparhawk the sum therein mentioned," which was read; whereupon resolved to concur in passing this bill. Also "An act directing the Treasurer to pay the sum therein mentioned," which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec'y inform the House of the passage of the two bills last mentioned.

A written message was received from the Speaker informing the Gov. and Council that the House had concurred in the amendments proposed by the Gov. and Council to bills of the following titles to wit—"An act in addition to an act entitled an act regulating and governing the militia of this state, passed Nov. 10, 1818," "An act incorporating certain persons therein named by the name of the Vergennes Manufacturing Company," "An act incorporating the Otter Creek and Castleton [river] Canal Company," "An act providing for the distribution of the Compiled laws," "An act altering the names of certain persons therein mentioned," "An act to revive an act to incorporate the Vermont Lead refining and manufacturing Company," and "An act granting a ferry to Israel Whitney." Also that the House had concurred in passing the resolution authorizing the Gov. and Council to appoint a Librarian. Also that the House had concurred in the amendment proposed by the

Gov. and Council to the resolution appointing a time for the two Houses to meet in Joint Committee for the purpose of adjourning the General Assembly.

The Gov. and Council appointed Calvin J. Keith Esquire Librarian for the year ensuing.' Adjourned to 7 O'clock to morrow morning.

FRIDAY Nov 18, 1825. 9 O'clock A. M.

The Gov. and Council met pursuant to adjournment. A message was received from the House by Mr. Swift, one of its members, informing that the House have completed the business of the session, and that they are ready to adjourn without day agreeably to a joint resolution of both Houses. Ordered that the Sec'y inform the House that the Gov. and Council will immediately attend in the Representatives' room for the purpose of adjourning the General Assembly without day.

The Gov. and Council attended in the House of representatives, and after an address to the throne of grace by the Chaplain, the General Assembly was adjourned without day. The Gov. and Council returned to the Council Chamber and adjourned without day.

STATE OF VERMONT. The foregoing from page 193 to page 302 both inclusive, [of manuscript Record of the Council marked Vol. 10,] is a true Journal of the proceedings of the Gov. and Council at their annual session in the year 1825.

D. KELLOGG, Secy.

DEBENTURE OF COUNCIL, 1825.	No. Miles Travel.	Am't of Travel.	No. days Att'nce.	Am't. of Att'nce.	Debenture.
Lieut. Gov. Leland	80	9.60	37	148.00	157.60
Mr. Berry	75	9.00	2	3.00	12.00
" Holley	60	7.20	36	54.00	61.20
" Butler	12	1.44	37	55.50	56.94
" Chittenden	30	3.60	37	55.50	59.10
" Crafts	40	4.80	31	46.50	51.30
" Dana of O.	22	2.64	37	55.50	58.14
" Dana of C.	30	3.60	37	55.50	59.10
" Langdon	72	8.64	31	46.50	55.14
" Merrill	122	14.64	37	55.50	70.14
" Pierpoint	100	12.00	33	49.50	61.50
" Proctor	71	8.52	37	55.50	64.02
" Roberts	130	15.60	37	55.50	71.10
" Wetmore	60	7.20	37	55.50	62.70
John Peck, Sheriff,	12	1.44	37	55.50	56.94
J. Starkweather, Deputy,	12	1.44	37	55.50	56.94
					\$1013.86

' Calvin J. Keith, the first State Librarian, was a native of Uxbridge, Mass., but in 1825 was a student of law, and, for many years subsequent, an attorney at Montpelier, where he held his residence until his death, although employed for several years in New Orleans. He was the originator of "Green Mount Cemetery," at Montpelier, where his remains repose.

July 8, 1826.

Application having been made to His Excellency the Gov. and the Honourable Council, to alter the limits of the 2^d. and 3^d. Brigades in the 3^d. Division of the Militia of this State, and His Excellency having obtained the advice and consent of the Council to the same, was pleased to *Order and direct*, that the County of Grand Isle, heretofore belonging to and composing a part of the 2^d. Brigade in said 3^d. Division, be annexed to and hereafter compose a part of the 3^d. Brigade in said third Division; and that the towns of Milton, Westford and Underhill, heretofore belonging to the 3^d. Brigade in said third Division, be annexed to, and hereafter compose a part of, the 2^d. Brigade in said 3^d. Division. Due notice to Generals Farnsworth and Coleman of the foregoing order.

Attest, D. KELLOGG, Sec^y.

FIFTIETH COUNCIL.

OCTOBER 1826 TO OCTOBER 1827.

EZRA BUTLER, Waterbury, *Governor*.¹
AARON LELAND, Chester, *Lieut. Governor*.

Councillors:

SAMUEL C. CRAFTS, ² Craftsbury,	SAMUEL H. HOLLEY, Middlebury,
CHAUNCEY LANGDON, Castleton,	JOHN ROBERTS, Whitingham,
TRUMAN CHITTENDEN, Williston,	ORSAMUS C. MERRILL, Benn'gton,
SETH WETMORE, St. Albans,	ROBERT PIERPOINT, Rutland,
ISRAEL P. DANA, Danville,	LYMAN FITCH, Thetford,
JABEZ PROCTOR, Cavendish,	JOHN PECK, Waterbury.

DANIEL KELLOGG, Rockingham, *Secretary*.
RAWSEL R. KEITH, Montpelier, *Sheriff*.
JULIUS C. PECK, Waterbury, *Deputy*.
CALVIN J. KEITH, Montpelier, *Librarian*.

BIOGRAPHICAL NOTICE.

LYMAN FITCH represented Thetford in the General Assembly 1811-'12, 1820-'21, 1823 until 1826, and 1835-'6, and in the Constitutional Convention of 1836, of which he was President; was Sheriff of Orange county 1831-'32; Judge of the County Court 1833, '35 and '37; and Councillor 1826 and '27. The editor of these volumes remembers him as a good legislator, and a man fitted for higher offices, to which he might have been elected were he not politically in the minority in the State.—*Deming's Catalogue*.

Gen. JOHN PECK was a descendant from Joseph Peck, who was baptized in Beccles, Suffolk County, England, April 30, 1587, and came from Old Hingham, England, to Hingham, Mass., in 1638; and this

¹ For notice of Gov. Butler see Vol. v, p. 148.

² For notice of Gov. Crafts see Vol. v, p. 239.

Joseph was a descendant, in the twentieth generation, from John Peck of Belton, England. John, the father of Gen. John, came to Montpelier from Royalston, Mass. in 1806, and the son settled in Waterbury not long thereafter.

Gen. Peck represented Waterbury in the General Assembly in 1811 and 1818; was Sheriff of Jefferson and Washington County in 1811 and '12 and again in 1819 until 1825; was Judge of Washington County Court in 1818; and Councillor in 1826. In 1818 he was one of four candidates who received a nearly equal number of votes for member of Congress. He was father of the late Hon. LUCIUS B. PECK, who was a member of Congress from Vermont 1847 to 1851, and U. S. Attorney for the District of Vermont 1853 to 1857.—*Peck Genealogy*, in the possession of Gov. Asahel Peck; *Deming's Catalogue*; and *Vt. Legislative Directory*, 1876-77.

RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION WITH THE GENERAL ASSEMBLY AT MONTPE-
LIER, OCTOBER 1826.

STATE OF VERMONT.

A Journal of the proceedings of the Governor and Council of the State of Vermont, at their Session begun and held at Montpelier in said State on the Second thursday of Oct. in the year of our Lord one thousand eight hundred and twenty six, being the twelfth day of the month and of the Independence of the United States the Fifty first. Present, His Excellency C. P. Van Ness Gov. His Honor Aaron Leland Lieut. Gov. The Hons. Ezra Butler, Truman Chittenden, Israel P. Dana, Samuel H. Holley, Orsamus C. Merrill, Jabez Proctor, Robert Pierpoint, John Roberts, Seth Wetmore, Josiah Dana, Chauncey Langdon, of the Council.

A message was received from the House of representatives, by Mr. Bailey, one of its members, informing that the House had organized by electing D. Azro A. Buck Esq. Speaker pro tem. and Timothy Merrill Esq. Clerk pro tem. Ordered, that the Sec'y inform the House that the Gov. and a quorum of the Council are assembled in the Council Chamber and are ready to proceed to business.

A message was received from the House by Mr. Temple, one of its members, informing that the House had on their part appointed a Committee to receive, sort and count the votes for Gov., Lieut. Gov., Treasurer and Councillors, and requested the Gov. and Council to join in said appointment, and he withdrew. Whereupon the Gov. and Council proceeded to appoint a Committee to join such committee on the part of the House, and Messrs. Langdon, Merrill, and Pierpoint were appointed

and sworn. Ordered, that the Sec^y inform the House of representatives that the Gov. and Council have on their part appointed a committee to receive, sort and count the votes for Gov., Lieut. Gov., Treasurer and Councillors for the ensuing year. Adjourned to 4 O'clock P. M.¹

4 O'CLOCK P. M.—The Gov. and Council met pursuant to adjournment. A message was received from the House of representatives informing that the House are assembled and are ready to receive the report of the Canvassing Committee. Ordered that the Sec^y inform the House of representatives that the Gov. and Council will immediately attend in the representatives' room to receive the report of the Canvassing Committee. The Gov. and Council attended in the representatives' Hall when the following report was made to wit—

"To the Hon. General Assembly now sitting.—The Committee appointed to receive, sort and count the votes for Gov., Lieut. Gov., Treasurer and Councillors, Report that The Hon. Ezra Butler is elected Gov. The Hon. Aaron Leland is elected Lieut. Gov. Benjamin Swan Esq. is elected Treasurer. The Hon. Orsamus C. Merrill, John Roberts, Robert Pierpoint, Chauncey Langdon, Jabez Proctor, Samuel H. Holley, Lyman Fitch, Truman Chittenden, John Peck, Israel P. Dana, Seth Wetmore, and Samuel C. Crafts are elected Councillors for the year ensuing. CHAUNCEY LANGDON, *for Committee.*"²

After which the Governor and Council returned to their Chamber. Adjourned to 9 O'clock to morrow morning.

FRIDAY Oct. 13, 1826. 9 O'clock A. M.

The Council met pursuant to adjournment, His Honor the Lieut. Gov. in the Chair. His Honor the Lieut. Gov. elect and the Hon. Councillors elect attended in the Representatives' room and in the presence of the House took and subscribed the oaths of office, after which they returned to their Chamber.

The House sent up the following resolution for concurrence to wit—"Resolved, the Gov. and Council concurring herein, that both houses meet in the representatives' room at two O'clock this afternoon, for the purpose of electing a Chaplain of the General Assembly for the year ensuing," which was read; whereupon resolved to concur with the House in passing this resolution. Ordered that the Sec^y inform the House accordingly.

Mr. Proctor, on motion and leave granted, introduced the following resolution, "Resolved that the presiding officer of the Council may at his discretion admit one or more Reporters into the Council Chamber, under such regulations as he may from time to time direct," which was read and adopted. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Council met pursuant to adjournment, His Honor the Lieut. Gov. in the Chair.

A message was received from the House of representatives, by Mr. Allen of Irasburgh, one of its members, informing that the House had elected the Hon. D. Azro A. Buck Speaker, Timothy Merrill Clerk, Norman Williams Sec^y of State, and Oramel H. Smith engrossing Clerk, and he withdrew.

¹ The election sermon was preached by Rev. Wilbur Fisk.

² The votes for Governor were, for Ezra Butler 8,966; Joel Doolittle 3,157; and scattering 2,037.

Mr. Peck appeared in the Council Chamber, was qualified and took his seat.

His Honor the Lieut. Gov. & the Council attended in the representatives' room, when the two houses elected a Chaplain to the General Assembly for the year ensuing.¹

Mr. Pierpoint, having obtained leave, introduced the following resolution, "Resolved, that the Surveyor [of] public buildings be directed to make one drawer for each Councillor under the table in the Council Chamber, with a lock to each, as soon as may be," which was read and adopted.

His Excellency the Gov. elect, and the Honorable Council attended in the representatives' hall when his excellency made the following Communication, having first in the presence of the House of representatives [Joint Assembly of the two Houses] taken the oaths of office.²

The Governor and Council returned to their Chamber.

A great number of petitions, from convicts in the state prison, were presented and filed. Adjourned to 9 O'clock to morrow morning.

SATURDAY Oct. 14, 1826. 9 O'clock A. M.

The Gov. and Council met pursuant to adjournment. Mr. Fitch appeared in the Council, was qualified and took his seat.

The House sent up the following for concurrence in the reference to wit, the petitions of Daniel Kenyon, of Joseph Frost, of Titus Hutchinson & others, of the Selectmen of Andover, and of Ira Stewart and others, with an order of the House on each that the same be referred to the Committee on roads and canals; whereupon Resolved to concur in said orders of reference. Also the petition of John L. Fassett and others and of Austin Johnson and others, with an order of the House that the same be referred to the Military Committee; whereupon resolved to concur in said orders of reference. Also the petition of the Selectmen of Bristol, of the Selectmen of Lincoln, with an order of the House on each that the same be referred to the land tax Committee; whereupon resolved to concur in said orders of reference. Also the petition of Peter Remsen and others and of Albert Stevens, with an order of the House thereon that the same be referred to the Committee of Claims; whereupon resolved to concur in said orders of reference. Also "An act directing the Treasurer to pay Jonathan Dike Junior the sum therein mentioned," with an order of the House thereon that the same be referred to the Committee of Claims; whereupon resolved to concur in said order of reference.

The Petition of Leonard Corliss, for pardon, was taken up, read, and on the question "Shall the said Leonard Corliss be discharged from confinement?" it was decided in the affirmative—yeas twelve. The petition of Basil Bourge, for pardon, was taken up, and on motion of His Honor the Lieut. Governor was dismissed. The petitions of Moses Cluff, of Jeremiah Downey, of Thomas Dean, of Charles Emerson, of David Fowler, of John B. Freeman, of Ezeck Comstock, of Joseph Ferryall, of Simeon Fisk, of Thomas Gilbert, of William Gary, of William Going, of Reuben T. Hathaway, of John Hunt, of Adonijah Hewett, of Lucius Hill, of William Hawley, of William Longley, of Jonathan E. Lowe, of William Lock, of Calvin Merrill, of David Olders, of David Porter, of Eli Peck, of Stewart Rutledge, of Lawrancy Smalley, of Nathan

¹ Rev. Wilbur Fisk was elected.

² For Governor's speech see *Appendix A*.

Scranton, of James Weston, of John Utley, of Edward Welch and of Paul Brown, for pardon, were severally taken up, read, and on motion ordered to be dismissed.

The House sent up the following for concurrence in the reference to wit, the Petition of Samuel Benedict, with an order of the House thereon that the same be referred to the Military Committee; whereupon resolved not to concur in the reference and Mr. Langdon was appointed to assign the reasons of the Council to the House. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. and Council met pursuant to adjournment. The Petition of Roderick Brown, for pardon, was called up, read and ordered to lie on the table.

The House sent up the following for concurrence in the reference to wit, the petition of Uriah Edgerton, with an order of the House thereon that the same be referred to the Committee of Claims; whereupon resolved not to concur in said order of reference and reasons for the same were assigned in writing. Adjourned to 9 O'clock to morrow morning.

MONDAY Oct. 16, 1826. 9 O'clock A. M.

The Gov. and Council met pursuant to adjournment. The House sent up the following resolution for concurrence—"Resolved, the Gov. and Council concurring herein that the use of the State house be tendered to the citizens of Montpelier, for public worship, on each Sabbath, during the present session of the legislature," which was read, whereupon resolved to concur in passing this resolution.¹

The House sent up the following resolution for concurrence, "Resolved, the Gov. and Council concurring herein, that the General Assembly accept the invitation of the Montpelier meeting-house Society, and that in pursuance of said invitation, the members of the General Assembly, with their Chaplain, will attend public worship with said Society at their meeting-house in said Montpelier, on Sabbaths during the present session of the General Assembly," which was read; whereupon resolved to concur in passing this resolution.

The House sent up the following for concurrence in the reference to wit, The petition of Isaac Tichenor and others, of the Stockholders in Fairhaven turnpike Company, and of Samuel S. Blake and others, with an order of the House on each that the same be referred to the Committee on roads and canals; whereupon resolved to concur in said orders of reference. Also the petition of Jacob Abbee, with an order of the House thereon that the same be referred to the Committee raised upon

¹The Montpelier Meeting-House Society, proprietors of the brick church, then the only one in the village of Montpelier, had first tendered their house for the use of the chaplain and members of the legislature on each Sabbath during the session. The above resolution permitted the pastor, members and society of the first congregational church, if they desired it, to use the hall of the House of Representatives during the same time. The Montpelier Meeting-House Society always extended this courtesy to the legislature until it became unnecessary to do so by the election of Chaplains who were not required or expected to give a Sabbath service. See the next resolution in the text.

the petition of David Russell ; whereupon resolved to concur in said order of reference. Also the petition of Abel Grout and others, with an order of the House thereon that the same be referred to the land tax Committee ; whereupon resolved to concur in said order of reference. Also "An act annexing Elias Hickock, Benjamin Hickock and David Gibbs of Fairhaven to the Mills School District in Castleton, with an order of the House thereon that the same be referred to the Committee raised on the petition of Martin Gilbert and others ; whereupon resolved to concur in said order of reference. Also the petition of John Page Jr. with an order of the House thereon that the same be referred to the Committee raised upon the petition of Martin Gilbert and others ; whereupon resolved to concur in said order of reference. Also the petition of Nathaniel Balch, with an order of the House thereon that the same be referred to the Committee of Claims ; whereupon resolved to concur in said order of reference. Also the petitions of Nathan Stone and Jasper Stone, and of the inhabitants of New Fane, with an order of the House thereon that the same be referred to the members of Windham County to join ; whereupon resolved to concur in said order of reference, and Mr Roberts is appointed from Council. Also the petition of Joseph A. Gallup and associates, with an order of the House thereon that the same be referred to the Committee on education ; whereupon resolved to concur in said order of reference. Also the petitions of Alonzo Selden and others, of Abner Perry and others, of Phillip Griffith and others, of John Holbrook, and of Henry Lake, with an order of the House on each that the same be referred to the Judiciary Committee ; whereupon resolved to concur in said orders of reference. Also An act in addition to the several acts for laying out, making, repairing and clearing highways, with an order thereon that the same be referred to the General Committee ; whereupon resolved to concur in said order of reference.

Mr Pierpoint introduced the following resolution, "Resolved, that the Sec'y of the Gov. and Council be directed to furnish His excellency the Governor, His Honor the Lieut. Governor and the several Councillors with, each, four newspapers, such as they may choose," which was read and adopted.

Mr Merrill introduced the following resolution, "Resolved, the General Assembly concurring herein, that it shall be [the] duty of the Governor and Council to select some suitable room in the State-House, to be placed under the charge of the librarian for a place of deposité for a geological and mineralogical cabinet ; and the librarian, in the discharge of his duty herein, shall be governed by such rules and regulations as the Gov. and Council shall from time to time prescribe," which was read and passed and ordered to be sent to the House of representatives for their concurrence.

The petition of Charles K. Parkhurst, for pardon, was called up and the question put "Shall the said Charles K. Parkhurst be discharged from his said confinement ?" which was determined in the affirmative. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M. — The Governor and Council met pursuant to adjournment. The petition of Homar Chellis, for pardon, was called up, read and on motion of Mr Pierpoint was ordered to be dismissed. The petition of Sylvanus Dibble, for pardon, was called up, read and on motion of His Honor the Lieut. Gov. ordered to be dismissed. Adjourned to 9 O'clock to morrow morning.

TUESDAY Oct. 17, 1826. 9 O'clock A. M.

The Governor and Council met pursuant to adjournment. Mr. Crafts appeared in the Council, was qualified and took his seat.

The House sent up the following resolution for concurrence to wit—
“Resolved, the Gov. and Council concurring herein, that both houses, in their respective rooms, proceed at eleven O'clock in the forenoon on Tuesday next to elect a Senator for this State to represent the State of Vermont in the Senate of the U. S. for the term of six years from and after the third of March next; and that both houses meet immediately thereafter in the Representatives' room to complete said election according to law,” which was read; whereupon resolved to concur in passing this resolution. Ordered that the Sec'y inform the House of the same.

The House sent up the following resolution for concurrence to wit—
“Resolved, the Governor and Council concurring herein, that both houses meet in County Conventions on Tuesday next, at four O'clock in the afternoon, for the purpose of making nominations of County officers, and that they meet in Joint Committee in the representatives' room, at the opening of the house on Wednesday morning next, for the purpose of electing such officers,” which was read; whereupon resolved to concur in passing this resolution—ordered that Sec'y inform the House of the same.

His excellency the Gov. was pleased to appoint Daniel Kellogg Sec'y to the Gov. and Council for the year ensuing, and he was qualified by Mr. Wetmore.

The petition of Russell Jepherson, for pardon, was called up and read and the question put “Shall the said Russell Jepherson be discharged from confinement?” which was determined in the affirmative—Yeas 12, Nays 0.

The House sent up the following resolutions for concurrence to wit—
“In General Assembly Oct. 16, 1826. Resolved, the Governor and Council concurring herein, that so much of his Excellency's Communication as relates to the amendment of the constitution of the United States be referred to a select Committee of four to join from Council,” which was read; whereupon resolved to concur in passing this resolution and Mr. Pierpoint is appointed from Council. Also “Resolved, the Gov. and Council concurring herein, that so much of his Excellency's Communication as relates to the Judiciary System be referred to the Judiciary Committee.” Also “Resolved, the Gov. and Council concurring herein, that so much of his Excellency's Communication as relates to making and repairing roads be referred to the Committee of roads and canals.” Also “Resolved, the Gov. and Council concurring herein, that so much of his Excellency's Communication as relates to imprisonment for debt be referred to the Judiciary Committee.” Also “Resolved, the Gov. and Council concurring herein, that so much of his Excellency's Speech as relates to lotteries and the sale of lottery tickets be referred to the General Committee,” which were severally read; whereupon resolved to concur with the House in passing these resolutions.

The House sent up the following for concurrence in the reference to wit, “An act directing when tenders may be made on notes and other contracts payable in collateral article or articles, which fall due on Sunday, and defining what shall be the duty of persons tendering collateral articles,” with an order of the House thereon that the same be referred to the General Committee; whereupon resolved to concur in said order of reference. Also the Treasurer's Report, with an order of the House thereon that the same be referred to the committee of Ways and Means; whereupon resolved that said order of reference be concurred in. Also “An act explanatory of an act entitled an act to revive an act laying a

tax on the town of Highgate, passed Nov. 8, 1825," with an order of the House thereon that the same be referred to the land tax Committee; whereupon resolved to concur in said order of reference.

A message was received from the House of representatives by Mr. Hunt, one of its members, informing that the House are now ready on their part to proceed to the election of Senator agreeably to the concurrent resolution of the two houses. Ordered that the Secretary inform the House that the Governor and Council are now ready on their part to proceed to the election of Senator.

ELEVEN OCLOCK A. M.—The Gov. and Council proceeded to the election of a person to represent this State in the Senate of the United States for the period of six years from and after the third day of March next and the ballots being taken and examined, the Honorable Cornelius P. Van Ness, having a majority, was declared duly elected on the part of the Governor and Council. A message was received from the House of representatives by Mr. Sheldon, one of its members, informing that the House had on their part nominated a person to represent this State in the Congress of the U. S. for the period of six years from and after the third day of March next and that they were now ready to receive the Gov. and Council in the representatives' room to complete said election. Ordered, that the Sec'y inform the House that the Gov. & Council have on their part elected a person to represent this State in the Senate of the U. S. for the period of six years from and after the third day of March next, and that they would immediately attend in the representatives' room to complete said election.

The Gov. and Council attended in the representatives' room and upon comparing the proceedings of the two houses in relation to the election of Senator, it was found that they had disagreed in their nomination; whereupon the two houses, then in Joint Committee, proceeded to ballot for a Senator, and the ballots being taken and examined, the Hon. Horatio Seymour, having a majority, was declared duly elected; of which proclamation was made by the Sheriff of Washington County. The Gov. & Council returned to their Chamber.

The House sent up the following for concurrence in the reference to wit, The petition of the Selectmen of Newbury, with an order of the House thereon that the same be referred to the Land tax Committee; whereupon resolved to concur in said order of reference. Also the petition of Ebenezer Goodell and others, with an order of the House thereon that the same be referred to the Committee on the petition of Martin Gilbert & others; whereupon resolved to concur in said order of reference. Also the petition of Alson Squires and others, with an order of the House thereon that the same be referred to the committee on the petition of Martin Gilbert and others; whereupon resolved to concur in said order of reference. Also An act to repeal a part of an act therein mentioned, with an order of the House thereon that the same be referred to the Committee on education; whereupon resolved to concur in said order of reference. Also an act in addition to an act constituting probate courts and defining their powers, and regulating the settlement of testate and intestate estates and the guardianship of minors and insane persons, with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference. Also the Remonstrance of Addison Albee & others, and of Johnson Marsh and others, with an order of the House on each that the same be referred to the Judiciary Committee; whereupon resolved to concur in said orders of reference. Also the petition of Daniel Church and others, of Benajah Phelps and others, of Henry Gray and

others, also An act to regulate the toll of one horse waggons on the West river bridge in Brattleboro, also An act incorporating the St. Albans Steamboat Company, with an order of the House on each that the same be referred to the Committee on Roads and Canals; whereupon resolved to concur in said orders of reference. Also the petition of Samuel Conant, of Horace Prince, of Henry S. Walker, of Thomas Burnside, and the account of the Overseers of the poor of New Fane, with an order of the House on each that the same be referred to the Committee of Claims; whereupon resolved to concur in said orders of reference.

The House sent up the following resolution for concurrence: "Resolved, the Governor and Council concurring herein, that so much of the Governor's Speech as relates to the school fund be referred to the Committee on education," which was read; whereupon resolved to concur in passing this resolution. Also the following resolution, "Resolved, the Gov. and Council concurring herein, that the two houses will meet in joint committee on wednesday next at two O'clock P. M. for the purpose of electing Judges of the Supreme Court," which was read; whereupon Resolved to concur in passing this resolution. Also the following resolution, "Resolved, the Gov. and Council concurring herein, that so much of the Governor's Speech as relates to the militia be referred to the military committee," which was read and adopted. Also the following resolution, "Resolved, the Gov. and Council concurring herein, that the military committee be instructed to enquire into the expediency of passing an act legalizing the organization and subsequent doings of the third brigade of the third Division of the militia of this state," which was read; whereupon resolved to concur in passing this resolution. Also the following resolution "Resolved, the Gov. and Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of passing a law giving power to the Supreme and County Courts to accept or reject in whole or in part the report of any committee by them appointed to lay out highways, and provide for the apportionment of costs in such cases, and report by bill or otherwise," which was read; whereupon Resolved to concur in passing this resolution.

The petition of Joseph Hills, a prisoner in Rutland County Jail, was filed, and laid upon the table. The petition of Elijah Remington, a prisoner in Rutland County Jail, was filed and laid upon the table. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. and Council met pursuant to adjournment. A written message was rec^d. from the House informing the Gov. and Council that agreeably to the rules of the House they have appointed the following Standing Committees in which they desire the Gov. and Council to join to wit, A committee of 4 denominated the Judiciary Committee; A committee of 4 denominated the committee of ways & means; A committee of 4 denominated the Committee of Claims; A committee of 4 denominated the Military committee; A committee of 4 denominated the land tax committee; A committee of 4 denominated the committee on Roads & Canals; A committee of 4 denominated the committee on agriculture; A committee of 13 denominated the General Committee; A committee of 4 denominated the committee on Manufactures; A committee of 4 denominated the Committee on education. Whereupon Resolved to concur in the appointment of said committees and M^r. Wetmore is appointed on the Judiciary Committee. The Lieut. Gov. is appointed on the Committee of Ways & Means. M^r. Peck is appointed on the Committee of Claims. M^r. Holley is appointed on the Military Committee. M^r. Chittenden is appointed on the land tax Com-

mittee. Mr. Langdon is appointed on the committee of Roads and Canals. Mr. Fitch is appointed on the committee on agriculture. Mr. Roberts is appointed on the General Committee. Mr. Crafts is appointed on the Committee on Manufactures. Mr. Merrill is appointed on the Committee on education. Adjourned to 9 O'clock to morrow morning.

WEDNESDAY, Oct. 18, 1826. 9 O'clock A. M.

The Governor and Council met pursuant to adjournment. The House sent up the following for concurrence in the reference to wit, the petition of Whitfield Walker, with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference. Also the Remonstrance of the inhabitants of Weathersfield, of Nomlas Cobb and others, of Luther Perkins and others, with an order of the House on each that the same be referred to the committee raised on the petition of Joshua Leland and others; whereupon resolved to concur in said orders of reference. Also the petition of Samuel Moulton and others, with an order of the House thereon that the same be referred to the Military committee; whereupon resolved to concur in said order of reference. Also the petition of Calvin Perry, of Samuel Hoffman and others, of Reuben Stowell and others, with an order of the House thereon that the same be referred to the Committee on roads and canals; whereupon resolved to concur in said order of reference. Also "An act for the relief of the town of Sommersett," with an order of the House thereon that the same be referred to the Committee of Claims; whereupon resolved to concur in said order of reference. Also the petition of Zachariah Barrett Jr., of James McLaren, of Isaac Knight, with an order of the House on each that the same be referred to the Committee of Ways and Means; whereupon resolved to concur in said orders of reference. Also the petition of the Selectmen of Middlesex, of the Selectmen of Duxbury, of Selectmen of Newport, of Selectmen of Kirby, of Joel Templeton & others, of George W. Denison and others, of Orin Hubbard and others, of Selectmen of Orange, with an order of the House on each that the same be referred to the land tax Committee; whereupon Resolved to concur in said orders of reference. Also "an act for the benefit of Common Schools," with an order of the House thereon that the same be referred to the committee on education; whereupon Resolved to concur in said order of reference.

The House sent up the following resolution for concurrence to wit, "Resolved, the Gov. and Council concurring herein, that the committee on education be directed to enquire into the expediency of so altering the act for the support of schools that a larger sum than two cents be assessed upon the dollar," which was read; whereupon resolved to concur with the House in passing this resolution.

The petition of Ezekiel Longley, a prisoner in the common jail in Rutland County, was called up, read and the question put "Shall a pardon be granted to the said Ezekiel Longley?" which was determined in the affirmative.

The Gov. and Council attended in the House, and after the appointment of County officers in the several Counties, they returned to their Chamber. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. and Council met pursuant to adjournment. The Gov. & Council attended in the House and elected Judges of the Supreme Court.¹ After which they returned to their Chamber. Adjourned to 9 O'clock to morrow morning.

¹ Richard Skinner, Samuel Prentiss, Titus Hutchinson, and Stephen Boyce Jr. were elected.

THURSDAY Oct. 19, 1826. [9 O'clock] A. M.

The Gov. and Council met pursuant to adjournment. The House sent up the following communication [resolution,] "Resolved, the Gov. and Council concurring herein, that the General Committee be directed to enquire into the propriety of reporting a bill making provision that real and personal property be appraised and set in the list of this state at per cent. on its real value," which was read; whereupon resolved to concur in passing this resolution. Also the following resolution, "Resolved, the Gov. and Council concurring herein, that the General Committee be instructed to enquire into the expediency of providing by law for the annual assessment of taxes upon wild lands in this state to be expended in making and repairing roads and building bridges," which was read; whereupon resolved to concur in passing this resolution. Also the following resolution, "Resolved, the Gov. and Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of so altering the law appointing the days on which the Supreme and County Courts shall be holden in the respective counties as that they may be holden on tuesdays and not on Mondays," which was read; whereupon resolved to concur in passing this resolution.

The Governor and Council attended in the House to the appointment of County officers, after which they returned to their chamber.

The House sent up the following for concurrence in the reference—The petition of Noah Peck and others, and the remonstrance of Henry Hodges and others, with an order of the House on each that the same be referred to the committee on the petition of Joseph Collins and others; whereupon resolved to concur in said orders of reference. Also the petition of Susannah Collins, with an order of the House thereon that the same be referred to the committee on the petition of Gilman Willard; whereupon resolved to concur in said order of reference. Also the petition of Anna Cole, with an order of the House thereon that the same be referred to the committee on the petition of Walter Sessions; whereupon resolved to concur in said order of reference. Also the petition of Lemuel Hitchcock and others and of Phillip Scott, with an order of the House on each that the same be referred to the committee on the petition of David Russell; whereupon resolved to concur in said order of reference. Also the petition of Charles Hardy, with an order of the House thereon that the same be referred to the committee on the petition of Walter Sessions; whereupon resolved to concur in said order of reference. Also the petition of Jonas Allen and others, with an order of the house thereon that the same be referred to the committee on the petition of the town of Concord; whereupon resolved to concur in said order of reference. Also the petition of Abel Perrin, with an order of the House thereon that the same be referred to the committee on the petition of Martin Gilbert and others; whereupon resolved to concur in said order of reference. Also the petition of Jacob Hildreth, with an order of the House thereon that the same be referred to the committee on the petition of David Russell; whereupon resolved to concur in said order of reference. Also the petition of Charles Leavens, with an order of the House thereon that the same be referred to the committee of Ways and Means; whereupon resolved to concur in said order of reference. Also the petition of Cyrus Canfield and others, with an order of the House thereon that the same be referred to the Committee on roads and canals. Also the Remonstrance of Windham turnpike Company, of Samuel Renne and others, and the petition of Samuel Holgate Junior, of Thomas Hammond, also an act establishing a corporation by the name of the Champlain transportation Company with an order of the House on each that the same be referred to the committee on roads and canals; whereupon re-

solved to concur in said orders of reference. Also the petition of Daniel Warner and others, with an order of the House thereon that the same be referred to a Select committee of three to join; whereupon resolved to concur in said order of reference and M^r. Langdon is appointed from Council. Also the petition of Martin Gilbert and others with an order of the House thereon that the same be referred to a committee of three to join and M^r. Pierpoint is appointed from Council. Also the petition of William Mott, with an order of the House thereon that the same be referred to a committee of three to join; whereupon resolved to concur in said order of reference and M^r. Roberts is appointed from Council. Also the petition of Joseph M. Mott and Benjamin Mott, with an order of the House thereon that the same be referred to a committee of three to join; whereupon resolved to concur in said order of reference and M^r. Merrill is appointed from Council. Also the petition of David Russell, with an order of the House thereon that the same be referred to a committee of three to join; whereupon Resolved to concur in said order of reference and His Honor the Lieut. Gov. is appointed from Council. Also the petition of Joshua Wade and others with an order of the House thereon that the same be referred to a committee of three to join; whereupon resolved to concur in said order of reference and M^r. Chittenden is appointed from Council. Also the petition of the 2^d. West river bridge Company with an order of the House thereon that the same be referred to a committee of two to join; whereupon resolved to concur in said order of reference. Also the petition of John French, of Noyes Dennison, of Daniel Mead and others, of the inhabitants of the town of Troy, of George Town and others, of David Chadwick and others, of Ira Eaton and others, of Eben^r. Darling and others, of Jesse Hugh^s and others, with an order of the House on each that the same be referred to the land tax committee; whereupon resolved to concur in said orders of reference. Also the petition of Tappan Stevens, the account of Harvey Scott, the petitions of Robert Paddock, of Elias Lyman Junior, of Abel Dunning, of John Kilburn and others, and an act directing the Treasurer to pay Heman Lowrey the sum therein mentioned, with an order of the House on each that the same be referred to the committee of claims; whereupon resolved to concur in said orders of reference. Also the petition of Charles Leavins, with an order of the House thereon that the same be referred to the committee of ways and means; whereupon resolved to concur in said order of reference. Also An act directing the manner of levying executions on the right of redeeming lands mortgaged—Also An act in addition to an act constituting the Supreme Court of Judicature &c.—Also an act ceding to the U. S. exclusive jurisdiction over a scite for an arsenal at Vergennes—also a communication from A. W. Barnum, also An act repealing part of an act therein mentioned, with an order of the House on each that the same be referred to the Judiciary committee; whereupon resolved to concur in said orders of reference. Also the petition of Pliny Smith and others with an order of the House thereon that the same be referred to the committee of insolvency; whereupon resolved to concur in said order of reference. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. and Council met pursuant to adjournment. The Gov. and Council attended in the House of Representatives to the appointment of County officers, after which they returned to their chamber.

The petition of Elijah Remington, a prisoner in Rutland County jail, was called up and after some discussion the same was laid upon the table. The petition of Uriah Hill, a prisoner in Rutland County jail, for

pardon, was called up, read and the question put "Shall the said Uriah Hill be pardoned?" which was determined in the affirmative. Adjourned to 9 O'clock A. M. [to morrow.]

FRIDAY Oct. 20, 1826. 9 O'clock A. M.

The Gov. and Council met pursuant to adjournment. On motion of Mr. Wetmore, voted to reconsider the vote dismissing the petition of Charles Emerson. The petition of Josiah Sims, a convict in the state prison, was called up and the question put "Shall the said Josiah Sims be discharged from his confinement?" which was determined in the affirmative.

The House sent up the following resolution for concurrence, "Resolved, the Gov. and Council concurring herein, that the judiciary committee be instructed to enquire into the expediency of passing a law authorizing the appointment of a commissioner in each county with power to audit and allow the accounts of magistrates, sheriffs, state's attorneys and all other persons concerned for the detection, apprehension and examination of persons charged with offences," which was read; whereupon resolved to concur in passing this resolution. The House sent up the following resolution for concurrence to wit, "Resolved, the Gov. and Council concurring herein, that the committee on roads and canals be instructed to enquire into the expediency of authorizing money to be raised by a lottery for the purpose of aiding in improving the navigation of Connecticut river and constructing a canal from Otter Creek to Whitehall, so as to intersect the Northern canal of New York," which was read; whereupon resolved to concur in passing this resolution. The House sent up the following resolution for concurrence to wit—"Resolved, the Gov. and Council concurring herein, that the committee of education be instructed to enquire into the expediency of passing a law providing for the increase of the permanent school fund by imposing a tax or duty on all domestic distilled spirits sold within this state, and that they have leave to report by bill or otherwise," which was read; whereupon resolved to concur in passing this resolution.

The House sent up the following for concurrence in the reference—The account of Josiah Burton with an order of the House thereon that the same be referred to the committee of claims; whereupon resolved to concur in said order of reference. Also "An act authorizing a corporation by the name of the Champlain transportation company," with an order of the House thereon that the same be referred to the committee on roads and canals; whereupon resolved to concur in the order of reference. The House sent up the following resolution for concurrence, "Resolved, the Gov. and Council concurring herein, that the military committee be directed to enquire into the expediency of repealing the thirtieth section of an act entitled 'An act for regulating and governing the militia of this state,' and the second section of an act entitled 'An act in addition to an act entitled 'An act regulating and governing the militia of this state;' and report by bill or otherwise," which was read; whereupon resolved to concur in passing this resolution. Also the petition of Gilman Willard, with an order of the House thereon that the same be referred to a committee of two to join; whereupon resolved to concur in said order of reference and Mr. Wetmore is appointed from Council. Also the petition of Walter Sessions with an order of the House thereon that the same be referred to a committee of two to join; whereupon resolved to concur in said order of reference and Mr. Fitch is appointed from Council. Also the petition of Joel Norton, with an

order of the House thereon that the same be referred to a committee of four to join; whereupon resolved to concur in said order of reference and Mr. Holley is appointed from Council. Also the petition of the inhabitants of Concord, with an order of the House thereon that the same be referred to a committee of four to join; whereupon resolved to concur in said order of reference and Mr. Proctor is appointed from Council. Also the petition of James Johnson and William Burroughs with an order of the House thereon that the same be referred to a committee of three to join; whereupon resolved to concur in said order of reference and Mr. Dana is appointed from Council. Also the petition of Joshua Leland and others with an order of the House thereon that the same be referred to a committee of three to join; whereupon resolved to concur in said order of reference and Mr. Crafts is appointed from Council. Also the petition of Appleton Crary, and An act for the preservation of Fish in Wells pond, with an order of the House on each that the same be referred to the committee on the petition of Joseph Morse and others; whereupon resolved to concur in said order of reference. Also "An act in addition to an act entitled an act constituting probate courts—An act to legalize the proceedings of the selectmen of the town of Woodford—An act in addition to an act constituting probate courts—An act in addition to an act for the support of schools," with an order of the House on each that the same be referred to the Judiciary committee; whereupon resolved to concur in said orders of reference. Also "An act granting a lottery for the benefit of common schools," with an order of the House thereon that the same be referred to the committee on education; whereupon resolved to concur in said order of reference. Also the petition of James Eddy and others, and An act directing the Treasurer to pay R. R. Keith the sum therein mentioned, with an order of the House on each that the same be referred to the Committee of Claims; whereupon resolved to concur in said orders of reference. Also the petition of William Rowell and others, of Woolcott H. Keeler and others, with an order of the House on each that the same be referred to the land tax Committee; whereupon resolved to concur in said orders of reference. Also the Remonstrance of Charles Phelps and others, and the petition of Enock Emerson and others, of Nathan Lapham and others, of Leonard Stone and others, of Jamaica turnpike Company, of Moses Strong and others, with an order of the House on each that the same be referred to the committee on roads and canals; whereupon resolved to concur in said orders of reference. Also the petition of Daniel Warner Jun^r and others, of the officers of Jefferson Artillery, with an order of the House on each that the same be referred to the military committee; whereupon resolved to concur in said orders of reference. Also An act directing the Treasurer to pay Edward Simonds the sum therein mentioned, and the petition of Joseph Burr & others, with an order of the House thereon that the same be referred to the committee of Ways and Means; whereupon resolved to concur in said orders of reference. Also the petition of John Emery, with an order of the House thereon that the same be referred to the Committee of insolvency; whereupon resolved to concur in said order of reference. Also the petition of Moses Lyon, of Elijah Clays, with an order of the House on each that the same be referred to the committee on the petition of Gilman Willard; whereupon resolved to concur in said orders of reference.

The House sent up the following bill for revision and concurrence &c. to wit, "An act for the relief of Zachariah Barrett Junior," which was read; whereupon resolved to concur with the House in passing this bill. Ordered that the Sec^y inform the House of the same.

Mr. Langdon, having obtained leave, introduced the following entitled

bill to wit, "An act in addition to an act relating to the discharge of convicts in the state prison," which was read and laid upon the table.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. and Council met pursuant to adjournment. Resumed the consideration of the bill entitled "An act in addition to an act relating to the discharge of convicts in the state prison," and after some discussion the same was committed to a member for amendment and Mr. Langdon was appointed to perform that service.

The petition of Rufus H. Green for pardon was called up and the question put "Shall the said Rufus H. Green be discharged from confinement?" which was determined in the affirmative.

A written message was rec^d. from the Speaker informing the Gov. and Council that the House of representatives had concurred in the resolution authorising the selection of a suitable room in the state-house to be placed under the charge of the Librarian for a place of deposit for a geological and mineralogical cabinet. Adjourned to 9 O'clock to morrow morning.

SATURDAY Oct. 21, 1826. 9 O'clock A. M.

The Gov. and Council met pursuant to adjournment. The House sent up the following resolution for concurrence to wit, "Resolved, the Gov. and Council concurring herein, that the general committee be instructed to enquire into the expediency of taxing annually the non-resident lands in this state for the purpose of aiding the funds for the support of common schools," which was read; whereupon resolved to concur in passing this resolution. Also the following resolution to wit, "Resolved, the Governor and Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of constituting the several courts of jail delivery in this state courts of record, and empowering them to issue execution, with leave to report by bill or otherwise," which was read; whereupon resolved to concur in passing this resolution.

The House sent up the following for concurrence in the reference to wit, "An act to preserve certain kinds of fish in the waters therein mentioned," with an order of the House thereon that the same be referred to the committee on the petition of Joseph Morse and others; whereupon resolved to concur in said order of reference. Also "An act to provide for the establishment of County poor houses"—Also "An act appropriating a sum of money for the purchase of Surveyors' instruments," with an order of the House on each that the same be referred to the General Committee; whereupon resolved to concur in said orders of reference. Also "An act altering the name of Jane Ann Willson," with an order of the House thereon that the same be referred to the Committee on the petition of Walter Sessions; whereupon resolved to concur in said order of reference. Also the petition of Nahum Jennison and others; An act directing the Treasurer to pay John B. Hollenbeck the sum therein mentioned, An act directing the Treasurer to pay John Kellogg the sum therein mentioned, with an order of the House on each that the same be referred to the committee of claims; whereupon resolved to concur in said orders of reference. Also a bill to preserve fish in the waters of Hall's pond and Harriman's pond in Newbury, with an order of the House thereon that the same be referred to the committee on the petition of James Johnstone &c.; whereupon resolved to concur in said order of reference. Also "An act to provide for publishing the public acts," with an order of the House thereon that the same be referred to a committee of three to join; whereupon resolved

to concur in said order of reference—And Mr. Holley is appointed from Council.

The petition of Daniel Palmer was called up and on motion of Mr. Pierpoint was ordered to be dismissed. The petition of Luther Rogers for pardon was called up and on motion of His Honor the Lieut. Gov. was dismissed.

The House sent up the following for concurrence in the reference to wit—The petition of Joseph Collins and others, with an order of the House thereon that the same be referred to a committee of three to join; whereupon Resolved to concur in said order of reference and His Honor the Lieut. Gov. is appointed from Council.

On motion voted to reconsider the vote dismissing the petition of Luther Rogers, and the question was put "Shall the said Luther Rogers be discharged from confinement?" which was determined in the affirmative—Yeas 7, Nays 6.

The House sent up the following for concurrence in the reference to wit, The petition of Joseph Morse and others, with an order of the House thereon that the same be referred to a committee of three to join; whereupon resolved to concur in said order of reference and Mr. Langdon is appointed from Council. Also the petition of Jonathan Holland and others with an order of the House thereon that the same be referred to a committee of three to join; whereupon resolved to concur in said order of reference and Mr. Proctor is appointed from Council. Also the petition of Benjamin Deming and Suel Wellman, with an order of the House thereon that the same be referred to a committee of three to join; whereupon resolved to concur in said order of reference and Mr. Crafts is appointed from Council. Also the petition of Solomon Safford, with an order of the House thereon that the same be referred to a committee of three to join; whereupon resolved to concur in said order of reference and Mr. Pierpoint is appointed from Council.

The House sent up the following resolution for concurrence, "Resolved, the Gov. and Council concurring herein, that the committee appointed to make up the General list be directed to make up the same upon lands at six per cent. and upon houses and lots at four per cent. upon the last valuation and average thereof," which was read; whereupon resolved to concur in passing this resolution.

Mr. Langdon, to whom was committed the bill entitled "An act in addition to an act relating to the discharge of convicts in the state prison," reported the same with amendments, which were read and adopted; whereupon Resolved to pass said bill and to send the same to the House of Representatives for their revision and concurrence or proposals of amendment. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. and Council met pursuant to adjournment. The petition of Manna Case, for pardon, was called up and on motion of the Lieut. Gov. dismissed. Adjourned to 9 O'clock Monday morning.

MONDAY Oct. 23, 1826. 9 O'clock A. M.

The Gov. and Council met pursuant to adjournment. The House sent up the following resolution for concurrence to wit, "Resolved, the Gov. and Council concurring herein, that a committee of six members from this House be appointed, to join from Council, to take into consideration the subject of the general list and assessment of taxes in the state and report by bill or otherwise," which was read; whereupon resolved to concur in passing this resolution and Mr. Dana is appointed

from Council. The House sent up the following resolution for concurrence to wit, "Resolved, the Gov. and Council concurring herein, that the Judiciary Committee be instructed to enquire into the necessity of providing by law for the appointment of jail commissioners in those cases where those appointed under the existing law refuse to qualify and officiate; and report by bill or otherwise," which was read; whereupon resolved to concur in passing this resolution. The House sent up the following resolution for concurrence to wit, "Resolved, the Gov. and Council concurring herein, that one hundred copies of the election sermon be presented to the Rev^d. Wilbur Fisk," which was read; whereupon resolved to concur in passing this resolution. The House sent up the following resolution for concurrence to wit, "Resolved, the Gov. and Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of passing a law directing the Judges of the Supreme Court to report the decisions of all such questions of law made by said court as are now required to be reported and making provision for their publication; and of giving to said judges the compensation now given to the reporter, and for abolishing the office of reporter,"—which was read; whereupon resolved to concur in passing this resolution. The House sent up the following resolution for concurrence to wit, "Resolved, the Gov. and Council concurring herein, that the Committee on education be instructed to enquire into the expediency of granting a state lottery for three years for the benefit of the common school fund; and that a committee consisting of ——— number of citizens of this state be appointed to receive proposals for six months from and after the rising of this legislature, and the grant to be given to the highest bidder, who shall give satisfactory security to the Treasurer of this state for the payment of all prizes drawn within this state," which was read; whereupon resolved to concur in passing this resolution.

Mr. Chittenden moved to reconsider the vote dismissing the petition of Nathan Scranton, which motion was determined in the negative.

The House sent up the following for concurrence in the reference, An act appointing a collector in the town of Mountholly—The Memorial of Gad Langdon, with an order of the House on each that the same be referred to the Committee of Ways and Means; whereupon resolved to concur in said orders of reference. Also the Memorial of the President and Fellows of Middlebury College—and An act in addition to an act for the support of schools, with an order of the House on each that the same be referred to the Committee on education; whereupon resolved to concur in said order of reference. Also "An act incorporating the Grand Chapter of the State of Vermont," with an order of the House thereon that the same be referred to a committee of three to join; whereupon resolved to concur in said order of reference and Mr. Roberts is appointed from Council. Also "An act assessing a tax on the County of Rutland," with an order of the House thereon that the same be referred to the members from the County of Rutland to join; whereupon resolved to concur in said order of reference and Mr. Langdon and Mr. Pierpoint are appointed from Council. Also "An act directing the Treasurer to pay James H. Platt the sum therein mentioned," with an order of the House thereon that the same be referred to the committee of claims; whereupon Resolved to concur in said order of reference.

The petition of Jonathan Bidwell, for pardon, was called up, read and the question put "Shall the said Jonathan Bidwell be discharged from confinement?" which was determined in the affirmative—Yeas 8, Nays 3. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. and Council met pursuant to adjournment. Resumed the consideration of the petition of Daniel Wellman, a prisoner in the common jail at Manchester in the County of Bennington, and the question was put "Shall a pardon be granted to the said Daniel Wellman?" which was determined in the affirmative by an unanimous vote. The petition of Miranda Stockwell, a prisoner in the jail at Bennington in the County of Bennington, was called up and the question put "Shall a pardon be granted to the said Miranda Stockwell?" which was determined in the affirmative—Yeas 11, Nays 1. The petition of Selah Hickox, for pardon, was taken up and the question put "Shall the said Selah Hickox be discharged from confinement?" which was determined in the affirmative—Yeas 12, Nays 0. The petition of Roderick Brown, for pardon, was taken up and the question put "Shall the said Roderick Brown be discharged from confinement?" which was determined in the affirmative, upon the following condition, that the said Roderick Brown shall leave the State of Vermont in ten days and not return within the same again—Yeas 11, Nays 0, Mr. Wetmore being excused from voting upon said question. The petition of Jonas K. Stewart, for pardon, was called up and the question put "Shall the said Jonas K. Stewart be discharged from confinement?" which was determined in the affirmative—Yeas 10, Nays 1, Mr. Wetmore being excused from voting on this question. The petition of John Barnes, for pardon, was taken up and the question put "Shall the said John Barnes be discharged from confinement?" which was determined in the affirmative—Yeas 9, Nays 3—upon condition that he should leave the state in ten days and never return within the same. The petition of Burgess Genio, for pardon, was taken up and the question put "Shall the said Burgess Genio be discharged from confinement?" which was determined in the affirmative—Yeas 11, Nays 0. The petitions of Ebenezer Barnes, William Fisher, James Harvey and Allen Hayward, for pardon, were severally taken up, read, and on motion ordered to be dismissed. Adjourned to 9 O'clock to morrow morning.

TUESDAY Oct. 24, 1826. 9 O'clock A. M.

The Gov. & Council met pursuant to adjournment. A written message was rec^d from the House informing the Gov. and Council that they had appointed the following Standing Committees, in which they request the Gov. and Council to join to wit—A committee of 4 denominated the Committee of New trials—A Committee of 4 denominated the Committee of insolvency—whereupon resolved to concur in the appointment of said committees and Mr. Pierpoint is appointed on the Committee of New trials—Mr. Proctor is appointed on the Committee of insolvency.

The House sent up the following resolution for concurrence to wit, "Resolved, the Gov. and Council concurring herein, that the General Committee be directed to enquire into the expediency of repealing the law passed at the last session relating to dogs, or so to amend the said law as to establish a uniform system of taxation upon dogs, for the benefit of common schools," which was read; whereupon resolved to concur in passing this resolution.¹ The House sent up the following resolution for concurrence to wit, "Resolved, the Gov. and Council concurring herein, That so much of his excellency's communication as relates to the Council of Censors be referred to the committee of Ways and Means;"

¹ The act of Nov. 12, 1825, authorized the several towns to make by-laws and regulations relating to dogs.

whereupon resolved to concur with the House in passing this resolution. The House sent up the following resolution for concurrence, "In General Assembly Oct. 23^d 1826. Resolved, the Gov. and Council concurring herein, that both houses meet in joint committee in the representatives' room on thursday next at two O'clock P. M. for the purpose of electing a Major General of the fourth Division of the militia of this state," which was read; whereupon resolved to concur in passing this resolution. Ordered that the Sec'y inform the House of the same. The House sent up the following resolution for concurrence to wit, "In General Assembly Oct. 23, 1826. Resolved, the Gov. and Council concurring herein, that the two houses meet in the representatives' room, at the opening of the House on wednesday morning next, for the purpose of electing a Brigadier General in the 2^d Brigade and first Division of the militia of this state," which was read; whereupon resolved to concur in passing this resolution. Ordered that the Sec'y inform the House of the same. The House sent up the following resolution for concurrence, "Resolved, the Gov. and Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of authorizing the several County Courts to order all necessary repairs to be made to County buildings, and draw orders on the County Treasurer therefor," which was read; whereupon Resolved to concur in passing this resolution. The House sent up the following resolution for concurrence to wit, "Resolved, the Gov. and Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of passing a law making it necessary that magistrates, who bind up or commit offenders for crimes, make their returns thereof to the several County Clerks as soon as may be thereafter," which was read; whereupon resolved to concur in passing this resolution.

The House sent up the following for concurrence—"An act granting the right of making and selling lottery tickets for two years for the benefit of common schools," with an order of the House thereon that the same be referred to the Committee on education; whereupon resolved to concur in said order of reference. Also "An act relating to the preservation and taking of fish"—Also "An act in addition to an act entitled an act in addition to an act entitled an act constituting the Supreme Court of Judicature and County Courts, defining their powers and regulating Judicial proceedings"—Also "An act to prevent damage from fire works," with an order of the House on each that the same be referred to the Judiciary Company; whereupon resolved to concur in said orders of reference.

The petitions of Anthony Jeffry, of John Jenness, of Elijah Kazar, of William Locke, of Silas Plumley, for pardon, were severally taken up, read and on motion ordered to be dismissed. The petition of William H. Nickols, for pardon, was taken up, read and the question put "Shall the said William H. Nickols be discharged from confinement?" which was determined in the affirmative—Yeas 12, Nays 0. The petition of Reuben Rollins, for pardon, was taken up and the question put "Shall the said Reuben Rollins be discharged from confinement?" which was determined in the affirmative—Yeas 9, Nays 3—upon condition that he leave the state of Vermont in ten days and does not return within the same. The petition of Jonas Robertson, for pardon, was taken up and the question put "Shall the said Jonas Robertson be discharged from confinement?" which was determined in the affirmative—Yeas 7, Nays 4. The petition of Henry L. Stearns, for pardon, was called up and the question put "Shall the said Henry L. Stearns be discharged from confinement?" which was determined in the affirmative—Yeas 11—Nays 1.

The House sent up the following for concurrence in the reference—

"An act in addition to an act entitled an act regulating town meetings and the choice and duty of town officers," with an order of the House thereon that the same be referred to the General Committee; whereupon resolved to concur in said order of reference. Also "An act in addition to an act entitled an act incorporating the Bellows Falls manufacturing Company, passed Nov. 17, 1825," with an order of the House thereon that the same be referred to the Committee on Manufactures; whereupon resolved to concur in said order of reference. Also "An act annexing certain persons therein named to the first school district in Rupert," with an order of the House thereon that the same be referred to the committee on the petition of Martin Gilbert and others; whereupon resolved to concur in said order of reference. Also "An act for the relief of John Burnham Jr. and Joseph Leflingwell," with an order of the House thereon that the same be referred to the Committee of Ways and Means; whereupon resolved to concur in said order of reference.

The petitions of Lemuel Scott, of Josiah Sims Jr., of William Twombly, of Alexander Wightman, for pardon, were severally taken up, read and on motion ordered to be dismissed. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. and Council met pursuant to adjournment. The House sent up the following bill for revision and concurrence or proposals of amendment to wit, "An act directing the Treasurer to pay Jonathan Dike Junior the sum therein mentioned," which was read; whereupon resolved to concur in passing this bill. Ordered that the Secy inform the House accordingly.

The petition of Ebenezer Chamberlin, for pardon, was called up and on motion of Mr. Pierpoint the same was dismissed. Adjourned to 9 O'clock to morrow morning.

WEDNESDAY October 25, 1826. 9 O'clock A. M.

The Gov. and Council met pursuant to adjournment. The House sent up the following resolution for concurrence to wit, "In General Assembly Oct. 24, 1826. Resolved, the Gov. and Council concurring herein, that both houses meet in the representatives' room, on thursday next at two O'clock in the afternoon, for the purpose of electing a person to preach the next election sermon; also to elect a Surveyor General for the state of Vermont, and an auditor of accounts against the state for the year ensuing," which was read; whereupon resolved to concur in passing this resolution and the House was informed of the same. The House sent up the following resolution for concurrence to wit, "Resolved, the Gov. and Council concurring herein, that his excellency the Gov. be requested to appoint Thursday the seventh day of Dec^r next to be observed as a day of thanksgiving throughout this state," which was read; whereupon resolved to concur in passing this resolution. The House sent up the following resolution for concurrence to wit, "Resolved, the Gov. and Council concurring herein, that the Judiciary committee be instructed to enquire into the expediency of passing a law making it penal for any person wantonly to put or place the carcass of any dead animal or animals into any of the waters in this state," which was read; whereupon resolved to concur in passing this resolution. The House sent up the following for concurrence to wit, A bill annexing the town of Newark in the County of Caledonia to Caledonia Probate District, with an order of the House thereon that the same be referred to a committee of two to join; whereupon resolved to concur in said order of reference and Mr. Fitch is appointed from Coun-

cil. Also "An act to incorporate the Vermont mutual fire insurance Company," with an order of the House thereon that the same be referred to a Committee of four to join; whereupon resolved to concur in said order of reference and M^r. Merrill is appointed from Council. Also the memorial of the Iroquois tribe of Indians, with an order of the House thereon that the same be referred to a select committee of four to join; whereupon resolved to concur in said order of reference and M^r. Langdon is appointed from Council.

M^r. Roberts, having obtained leave, introduced the following resolutions, "In Council Oct. 25, 1826. Resolved, in the opinion of the Council, that no bill originally introduced into the House of representatives can become a law without the concurrence of the Gov. and Council. Resolved, that any attempt of the House of representatives to pass laws without the concurrence of the Gov. and Council is an infringement upon the constitutional powers and prerogatives of the Gov. and Council. Resolved that the late act of the House of representatives, in declaring a bill entitled "An act repealing part of an act therein mentioned" to have become a law, without the concurrence of the Gov. and Council, is an assumption of power unprecedented and unwarranted by the constitution," which were read and laid upon the table.

The House sent up the following for concurrence in the reference—An act for the relief of the town of Parkerstown [Mendon]—An act to incorporate the Starksboro union library—An act relating to common schools, with an order of the House on each that the same be referred to the Committee on education; whereupon resolved to concur in said orders of reference. Also "An act to preserve pickerel in Tickle naked pond in Ryegate," with an order of the House thereon that the same be referred to the committee on the petition of James Johnson &c.; whereupon resolved to concur in said order of reference. Also "An act in addition to the several acts relating to jails and jailers and for the relief of persons imprisoned therein," with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference. Also "An act in addition to an act entitled an act incorporating the Connecticut river Company," with an order of the House thereon that the same be referred to the Committee on roads and canals; whereupon resolved to concur in said order of reference.

The Gov. and Council attended in the House of representatives to the election of a Major General of the fourth Division, and a Brigadier General of the 2^d Brigade and first Division of the militia of this State, after which they returned to their chamber.¹

The House sent up the following bills for revision and concurrence or proposals of amendment, to wit, "An act directing the Treasurer to pay Josiah Burton the sum therein mentioned," which was read; whereupon resolved to concur with the House in passing this bill. Also "An act laying a tax of four cents on each acre of land in the town of Orange," which was read; whereupon resolved to concur in passing this bill. Also "An act laying a tax of three cents on each acre of land in the town of Maidstone," which was read; whereupon resolved to concur in passing this bill. Also "An act explanatory of an act entitled an act to revive an act laying a tax on the town of Highgate, passed Nov. 8, 1825," which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House of the concurrence of the Gov. and Council in the passage of the four bills last mentioned.

¹ Ezekiel P. Walton was elected Maj. General, and Daniel Wait Brig. General.

The House sent up the following for revision and concurrence &c. to wit, "An act directing the Judges of the Supreme Court to adopt a uniform system of rules for the admission of Attorneys at law," which was read and thereupon amendments were proposed to the same which were read and adopted; whereupon resolved to concur in passing this bill with said proposals of amendment, and M^r. Pierpoint is appointed to assign the reasons of the Gov. and Council to the House. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. and Council met pursuant to adjournment. Adjourned to 9 O'clock to morrow morning.

THURSDAY Oct. 26, 1826. 9 O'clock A. M.

The Gov. and Council met pursuant to adjournment. The House sent up the following for concurrence to wit—"An act in addition to an act for the support of schools"—Also "An act for the relief of the town of Brunswick," with an order of the House on each that the same be referred to the committee on education; whereupon resolved to concur in said orders of reference. Also the memorial of William Slade Junior and "An act directing the Treasurer to pay Stewart Brown and William Spencer the sum therein mentioned," with an order of the House on each that the same be referred to the Committee of Claims; whereupon resolved to concur in said orders of reference. Also the petition of Alonzo Selden and others, "An act regulating the sale of personal property attached on mesne process," "An act to suppress lotteries," "An act to authorize the Guardian of James Howe and Sarah Howe to sell and convey the real estate of his wards," with an order of the House on each that the same be referred to the Judiciary Committee; whereupon resolved to concur in said orders of reference. Also "An act reviving an act therein mentioned," with an order of the House thereon that the same be referred to the land tax Committee; whereupon resolved to concur in said order of reference. Also "An act to revive an act appointing a committee to lay out a road therein mentioned," with an order of the House thereon that the same be referred to the Committee on roads and canals; whereupon resolved to concur in said order of reference.

The House sent up the following bills for revision and concurrence &c. "An act laying a tax of four cents on each acre of land in the town of Minehead" [Bloomfield,] which was read; whereupon resolved to concur in passing this bill. Also "An act laying a tax of four cents on each acre of land in the town of Kirby," which was read; whereupon resolved to concur in passing this bill. Also "An act establishing a corporation by the name of the Champlain transportation Company," which was read; whereupon resolved to concur in passing this bill. Ordered that Sec^y inform the House of the passage of [the] three bills last mentioned. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. and Council met pursuant to adjournment. The Gov. and Council attended in the House and elected a person to preach the next election sermon, a Surveyor General and an auditor of accounts against this state, after which they returned to their chamber.

'The elections were Rev. Thomas Goodwillie preacher, and Rev. Benj. B. Smith alternate; Calvin C. Waller Surveyor General, and David Pierce Auditor.

Mr. Wetmore moved to reconsider the vote dismissing the petition of John B. Feemour [Freeman,] and some discussion being had upon it, it was ordered that the further consideration of said motion be postponed until to-morrow morning.

The House sent up the following bill for revision and concurrence &c. "An act to incorporate the President, Directors and Company of the bank of Vergennes," which was read and laid upon the table. Adjourned to 9 O'clock to-morrow morning.

FRIDAY Oct. 27, 1826. 9 O'clock A. M.

The Gov. and Council met pursuant to adjournment. A written message was received from the House informing the Gov. and Council that the House of representatives have concurred in the passage of the bill entitled "An act in addition to an act relating to the discharge of convicts in the state's prison," also in the amendments proposed by the Gov. and Council to the bill entitled "An act directing the Judges of the Supreme Court to adopt a uniform system of rules for the admission of attorneys at law," which was read.

The House sent up the following for concurrence in the reference to wit, "An act to preserve fish in the waters of the town of Starksborough," with an order of the House thereon that the same be referred to the committee on the petition of Daniel Warner; whereupon resolved to concur in said order of reference. Also "An act for the relief of Leonard Smith," with an order of the House thereon that the same be referred to the committee on the petition of Gilman Willard; whereupon resolved to concur in said order of reference. Also "An act directing the Treasurer to pay to Joseph Howes the sum therein mentioned," with an order of the House thereon that the same be referred to the Committee of Claims; whereupon resolved to concur in said order of reference. Also "An act for the relief of Daniel and Levi Goss," with an order of the House that the same be referred to the committee of Ways and Means; whereupon resolved to concur in said order of reference. Also "An act to empower the Strafford turnpike Company to surrender their charter," "An act directing when a tender may be made on notes and other contracts payable in collateral articles which may fall due on Sunday," "An act in addition to an act entitled an act relating to fines, forfeitures, penalties and costs," "An act in addition to an act for the punishment of certain inferior crimes and misdemeanors," "An act in addition to the act establishing permanent salaries for certain officers, and for regulating certain fees and taxable costs," "An act in addition to an act for the punishment of certain capital and other high crimes and misdemeanors," "An act in addition to the several acts constituting the Supreme Court and County Courts and regulating judicial proceedings," "An act to repeal part of an act therein mentioned," with an order of the House on each that the same be referred to the Judiciary Committee; whereupon resolved to concur in said orders of reference. Also "An act to repeal part of the act which regulates the laying out and clearing of highways," "An act in addition to an act entitled an act regulating the office and duty of Sheriffs, high Bailiffs, their respective deputies, and Constables, passed March 6th 1797," with an order of the House on each that the same be referred to the General Committee; whereupon resolved to concur in said orders of reference.

The House sent up the following resolution for concurrence, "Resolved, the Gov. and Council concurring herein, that the report of the Commis-

sioners for the relief of the deaf and dumb with the accompanying documents be referred to a select committee of three to join from Council with instruction to report what further, if any, legislative enactments are necessary to carry into effect the benevolent objects of the act for the benefit of the deaf and dumb, passed Nov. 9, 1825," which was read; whereupon resolved to concur in passing this resolution—and Mr. Crafts is appointed from Council. Also the following resolution, "Resolved, the Gov. and Council concurring herein, that both houses meet in Joint Committee in the representatives' room on Friday next at two o'clock in the afternoon for the purpose of electing a Brigadier General in the first brigade and fourth division of the militia of the state of Vermont," which was read; whereupon resolved to concur in passing this resolution.

The motion of Mr. Wetmore, to reconsider the vote dismissing the petition of John B. Freeman, was called up and determined in the affirmative, whereupon the question was put "Shall the said John B. Freemour [or Freeman] be discharged from confinement?" which was determined in the affirmative—Yeas 8, Nays 5—upon condition that he leave the state of Vermont within sixty days after his discharge and does not return within the same again.

The House sent up the following for revision and concurrence &c. "An act laying a tax of three cents on each acre of land in the town of Victory," which was read; whereupon resolved to concur in passing this bill.

Resumed the consideration of the bill entitled "An act to incorporate the President, Directors and Company of the bank of Vergennes," which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House of the passage of the two bills last mentioned.

The House sent up the following resolution for concurrence—"Oct. 26, 1826. Resolved, the Gov. and Council concurring herein, that both houses meet in the Representatives' room on Friday at 2 O'clock P. M. to elect a board of commissioners to superintend and direct all concerns relating to the education of the deaf and dumb agreeably to an act for the benefit of the deaf and dumb passed Nov. 9, 1825," which was read; whereupon resolved to concur in passing this resolution.

The petition of Elijah Remington, a prisoner in the jail at Rutland in the County of Rutland, was called up and the question put "Shall the said Elijah Remington be discharged from confinement?" which was determined in the affirmative—Yeas 10, Nays 3.

The House sent up the following resolution for concurrence—"Resolved, the Gov. and Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of allowing to the Judges of the Supreme Court one third part of the fees, hereafter to be paid, as fees to the Judges of the County Court, in civil causes, as compensation for their extra services in performing the duties of Chief Justices of the County Court," which was read; whereupon resolved to concur in passing this resolution. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. and Council met pursuant to adjournment. The House sent up the following for revision and concurrence to wit, "An act extending the time allowed by law for completing the Stratton turnpike road," which was read; whereupon resolved to concur in passing this bill.

The Gov. and Council went down to the House and after having attended to the election of a Brigadier General of the first Brigade in the 4th Division of the Militia of this State, Commissioners to superintend the expenditure of the fund appropriated for the education of the

deaf and dumb and certain County officers,¹ they returned to their chamber. Adjourned to 9 O'clock to morrow morning.

SATURDAY Oct. 28, 1826. 9 O'clock A. M.

The Gov. and Council met pursuant to adjournment. The House sent up the following for concurrence in the reference—"An act annexing a part of the town of Bolton to the town of Waterbury," with an order of the House thereon that the same be referred to a select committee of two to join; whereupon resolved to concur in said order of reference and Mr. Chittenden is appointed from Council. Also "An act granting further time for making a road in the town of Hartford," "A bill to revive an act laying out a road from Randolph west village to Hancock," with an order of the House on each that the same be referred to the committee on roads and canals; whereupon resolved to concur in said orders of reference. Also "An act directing the Treasurer to pay Alden Farnsworth the sum therein mentioned," with an order of the House thereon that the same be referred to the committee of claims; whereupon resolved to concur in said order of reference.

The House sent up the following resolution for concurrence, "Resolved, the Gov. and Council concurring herein, that the Judiciary [Committee] be instructed to enquire into the expediency of reviving or making alterations in the law for the support of common schools, and report by bill or otherwise," which was read; whereupon resolved to concur in passing this resolution.

The petition of Isaac Knight, a prisoner in the jail at Danville in the County of Caledonia, for pardon, was called up, read, and the question put "Shall the said Isaac Knight be discharged from his confinement?" which was determined in the affirmative—Yeas 10, Nays 1. Adjourned to 2 O'clock P. M.

2 O'clock P. M.—The Gov. and Council met pursuant to adjournment. The resolutions introduced by Mr. Roberts on the 25th instant were called up, read and committed to a committee of two to report facts; whereupon Messrs. Roberts and Pierpoint were appointed said committee. Adjourned to Monday next 9 O'clock A. M.

MONDAY Oct. 30, 1826. 9 O'clock A. M.

The Gov. and Council met pursuant to adjournment. The House sent up the following for revision and concurrence &c. "An act altering the name of Jane Ann Willson," which was read and thereupon amendments were proposed to the same which were read and adopted; whereupon resolved to concur in passing this bill with said proposals of amendment and Mr. Pierpoint is appointed to assign reasons to the House. Also "An act altering the name of Henry Galusha," which was read and thereupon amendments were proposed to said bill which were read and adopted; whereupon resolved to concur in passing this bill with said proposals of amendment and Mr. Pierpoint is appointed to assign reasons to the House. Also "An act to preserve the fish in the town of Randolph in the County of Orange," which was read; whereupon resolved to concur in passing this bill. Also "An act altering the name of Clark Hardy," which was read; whereupon resolved to concur in pass-

¹ Benj. Rolfe was elected Brig. General; and Horace Everett, Chauncey Langdon and Aaron Leland Commissioners of the deaf and dumb.

ing this bill. Also "An act to incorporate the Sand bar bridge Company," which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House of the passage of the three bills last mentioned.

The House sent up the following for concurrence in the reference—An act entitled an act to exempt Colliers from military duty, with an order of the House thereon that the same be referred to the Military Committee; whereupon resolved to concur in said order of reference.

The House sent up the following resolution for concurrence: "Resolved, the Gov. and Council concurring herein, that the Military Committee be directed to enquire wheth[er] any, and if any [what] alteration is necessary in the tenth section of an act entitled 'An act for regulating and governing the militia of this state,' and to report by bill or otherwise," which was read; whereupon resolved to concur in passing this resolution. The House sent up the following resolution for concurrence—"Resolved, the Gov. and Council concurring herein, that the General Committee be instructed to enquire into the expediency of passing a law to prohibit the exhibition of all caravans, circus riders, play actors, wax work figures, and every other description of shows within this state, and report by bill or otherwise," which was read; whereupon resolved to concur in passing this resolution.

The House sent up the following for concurrence in the reference—The petition of the inhabitants of Concord and the report of the committee thereon, with an order of the House thereon that the same be referred to the committee who reported it; whereupon resolved to concur in said order of reference. Also "An act authorising John S. Larrabee and Samuel H. Holley to erect wharves and store houses on Lake Champlain at or near the place called Larrabee's point in Shoreham," "An act to incorporate the ore bed turnpike Company," with an order of the House on each that the same be referred to the committee on roads and canals; whereupon resolved to concur in said orders of reference. Also "An act to guard the purity of elections and prevent the improper use of spirituous liquors," with an order of the House thereon that the same be referred to the General Committee; whereupon resolved to concur in said order of reference. Also the petition of the selectmen of Essex and others, of Roswell Butler and others, with an order of the House thereon that the same be referred to the land tax Committee; whereupon resolved to concur in said orders of reference. Also An act directing the Treasurer to pay Daniel W. Guilford the sum therein mentioned, with an order of the House thereon that the same be referred to the Committee of Claims; whereupon resolved to concur in said order of reference. The petition of Robert Lowe with an order of the House thereon that the same be referred to the Committee of insolvency; whereupon resolved to concur in said order of reference. Also The petition of Whitfield Walker, with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference. Also "An act granting relief to the town of Ryegate in the County of Caledonia," with an order of the House thereon that the same be referred to a select committee of four to join; whereupon resolved to concur in said order of reference and M^r. Langdon is appointed from Council. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. and Council met pursuant to adjournment. The petition of Elisha Boyce Junior, a prisoner confined in the common jail at St. Albans in the County of Franklin, was called up and on motion the following question was put "Shall the said Elisha Boyce Junior be discharged from his said confinement upon condition that he

execute his promissory notes to the Treasurer of the State of Vermont, for the amount of the fine and cost upon which he stands committed?" which was determined in the affirmative—Yeas 9, Nays 2. The petition of William Stockwell, a prisoner confined in the jail at Chelsea in the County of Orange, praying to have a certain fine remitted and to be discharged from confinement, was called up and read; whereupon it was resolved to remit said fine and to discharge said William Stockwell from his said confinement—Yeas 12, Nays 0.

The committee to whom was committed the resolutions introduced by Mr. Roberts on the 25th instant, made a report which was read and accepted and said resolutions were laid upon the table.

The Gov. and Council attended in the House and after having appointed sundry County officers they returned to their Chamber. Adjourned to 9 O'clock to morrow morning.

TUESDAY Oct. 31, 1826. 9 O'clock A. M.

The Gov. and Council met pursuant to adjournment. The House sent up the following resolution for concurrence, "Resolved, the Gov. and Council concurring herein, that the military committee be instructed to enquire whether any and if any what alteration is necessary to remove any uncertainties in reference to the construction of the thirty-fifth section of the act for regulating and governing the militia of this state, and report by bill or otherwise," which was read; whereupon resolved to concur in passing this resolution.

- The House sent up the following for concurrence in the reference—
- The petition of Joseph Burr and others, "An act repealing a certain part of an act passed Nov. 15, 1821." "An act in alteration of an act establishing permanent salaries for the Judges of the Supreme Court of this state," "An act for the relief of towns where their poor are imprisoned," with an order of the House on each that the same be referred to the Judiciary Committee; whereupon resolved to concur in said orders of reference. Also "An act authorizing the library Society of Hinesburgh to hold real and personal estate," with an order of the House thereon that the same be referred to the committee on education; whereupon resolved to concur in said order of reference. Also "An act relating to the arch bridge between Montpelier and Berlin," with an order of the House thereon that the same be referred to the committee on roads and canals; whereupon resolved to concur in said order of reference. Also The petition of Elisha Perkins, with an order of the House thereon that the same be referred to the Committee of Claims; whereupon resolved to concur in said order of reference. Also "An act repealing parts of acts therein mentioned," with an order of the House thereon that the same be referred to the military Committee; whereupon resolved to concur in said order of reference.

The House sent up the following for revision and concurrence &c. "An act incorporating the Grand Chapter of the State of Vermont," which was read; whereupon resolved to concur in passing this bill. Also "An act ceding to the United States the exclusive jurisdiction over a site for an Arsenal at Vergennes," which was read; whereupon resolved to concur in passing this bill. Also "An act in addition to an act entitled an act incorporating the Bellows Falls manufacturing Company, passed Nov. 17, 1825," which was read; whereupon resolved to concur in passing this bill. Also "An act to prevent damage from fire works," which was read; whereupon resolved to concur in passing this bill. Also "An act restoring Elijah Clays to his legal privileges," which was read; whereupon resolved to concur in passing this bill.

Mr. Langdon on motion and leave introduced the following resolutions — "Resolved, that it is inexpedient to remove the sitting of the Circuit and District Courts of the United States from the town of Rutland in Rutland County and from Windsor in Windsor County to Montpelier in Washington County. Resolved, that the Senators and representatives in Congress be requested to use their influence to prevent the passage of any act of Congress to remove the sessions of said courts from the aforesaid towns. Resolved that the Sec^y of the Gov. and Council be directed to transmit certified copies of the above resolutions to each of the Senators and representatives in Congress from this state" — which were read and laid on the table.

The House sent up the following for revision and concurrence &c. "An act in addition to an act constituting probate courts and defining their powers and regulating the settlement of testate and intestate estates and the guardianship of minors and insane persons," which was read; whereupon resolved to concur in passing this bill. Also "An act directing the Treasurer to pay Nathaniel Balch the sum therein mentioned," which was read; whereupon resolved to concur in passing this bill. Also "An act to revive an act therein mentioned," which was read; whereupon resolved to concur in passing this bill. Also "An act in addition to an act entitled an act in addition to an act entitled an act constituting the Supreme Court of Judicature and County Courts, defining their powers and regulating judicial proceedings," which was read; whereupon resolved to concur in passing this bill. Also "An act repealing an act therein mentioned," which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House of the passage of the ten bills last mentioned. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. and Council met pursuant to adjournment. The House sent up the following for concurrence in the reference—"An act in addition to the several acts for the government of the state prison," with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference. Adjourned to 9 O'clock to morrow morning.

WEDNESDAY Nov. 1, 1826. 9 O'clock A. M.

The Gov. and Council met pursuant to adjournment. The House sent up the following bills for revision and concurrence &c. "An act appropriating a sum of money for the purchase of Surveyors' instruments," which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House of the same.

The House sent up the following resolution for concurrence—"Resolved, the Gov. and Council concurring herein, that the General Committee be instructed to enquire whether any and if any what alteration should be made in the third section of an act in addition to an act entitled 'An act reducing into one the several acts for laying out, making, repairing and clearing highways, passed 11. Nov. 1818,' which was read; whereupon resolved to concur in passing this resolution. The House sent up the following resolution for concurrence—"Resolved, the Gov. and Council concurring herein, that the Surveyor of public buildings be instructed to finish the upper part of the state house into committee rooms so that standing committees may hereafter be furnished with a separate room," which was read; whereupon resolved to concur in passing this resolution.

The House sent up the following for concurrence in the reference—
 “An act in addition to an act entitled an act directing the proceedings against the trustees of concealed or absconding debtors,” “An act to incorporate the baptist Convention of the State of Vermont,” with an order of the House on each that the same be referred to the Judiciary Committee; whereupon resolved to concur in said orders of reference. Also
 “An act directing the Treasurer to pay Heman Lowry the sum therein mentioned,” with an order of the House thereon that the same be referred to the Committee of Claims; whereupon resolved to concur in said order of reference. Also The petition of Phinehas Parkhurst and others, with an order of the House thereon that the same be referred to the Committee on roads and canals; whereupon resolved to concur in said order of reference.

On motion of Mr. Pierpoint, voted to reconsider the vote dismissing the petition of Manna Case, and thereupon the question was put “Shall the said Manna Case be discharged from his confinement in the state prison upon condition that he leave the state in ten days after his discharge and does not return again?” which was determined in the affirmative—Yeas 13, Nays 0. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. and Council met pursuant to adjournment. The House sent up the following for concurrence—“An act incorporating the Bennington iron Company,” with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference.

The House sent up the following for revision and concurrence—“An act to regulate the choice of a Council of Censors,” which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House of the same.

The petition of Israel D. Frost, for pardon, was called up and on motion of Mr. Pierpoint ordered to be dismissed.

Resumed the consideration of the resolutions introduced by Mr. Roberts on the twenty-fifth ultimo and the question being put “Shall the first resolution pass?” it was determined in the affirmative—Yeas 12, Nays 1. Those who voted in the affirmative are His Honor the Lieut. Gov., Messrs. Chittenden, Crafts, Dana, Fitch, Holley, Langdon, Merrill, Pierpoint, Proctor, Roberts and Wetmore. In the negative Mr. Peck. On the question “Shall the second resolution pass?” it was determined in the affirmative. Yeas and Nays as on the preceding resolution. On the question “Shall the third resolution pass?” it was determined in the affirmative. Yeas and Nays the same as on the preceding resolution.¹ Adjourned to 9 O'clock to morrow morning.

¹At the preceding session the House had passed a bill which the Council suspended until the session of 1826. At the last named session the House repassed the same bill and declared it to be a law without the concurrence of the Governor and Council. The custom had been to send such bills to the Council for concurrence, which had been granted as a matter of course—so the Council was right in its resolutions on this question. But were the Council not to concur in a suspended bill, nevertheless, on its re-enactment by the House, it would become a law; so on that point the House was right. The House had simply neglected a courtesy which had been customary.—See printed *Assembly Journal* for 1826, p. 142.

THURSDAY Nov. 2, 1826. 9 O'clock A. M.

The Gov. and Council met pursuant to adjournment. The House sent up the following bills for revision and concurrence &c. "An act in addition to an act entitled an act to preserve the fish in the waters of Pownal and Bennington in the County of Bennington," which was read; whereupon resolved to concur in passing this bill. Also "An act in addition to the several acts constituting the Supreme and County Courts and regulating judicial proceedings," which was read; whereupon resolved to concur in passing this bill. Also "An act directing the Treasurer to pay Edward Simonds the sum therein mentioned," which was read; whereupon resolved to concur in passing this bill. Also "An act granting to Joseph M. Mott and Benjamin Mott the exclusive [privilege] of a ferry," which was read; whereupon resolved to concur in passing this bill. Also "An act granting to William Mott the right to keep a ferry," which was read; whereupon resolved to concur in passing this bill. Also "An act laying a tax of four cents on each acre of land in the town of Troy," which was read; whereupon resolved to concur in passing this bill. Also "An act laying a tax of four cents on each acre of land in the town of Bristol," which was read; whereupon resolved to concur in passing this bill. Also "An act for the relief of Gilman Willard," which was read; whereupon resolved to concur in passing this bill. Also "An act reviving an act laying a tax of two cents per acre on the town of Craftsbury, passed Oct. 29, 1822," which was read; whereupon resolved to concur in passing this bill. Also "An act directing the Treasurer to pay Harvey Scott the sum therein mentioned," which was read; whereupon resolved to concur in passing this bill. Also "An act laying a tax of four cents on each acre of land in the town of Chittenden," which was read; whereupon resolved to concur in passing this bill. Also "An act altering the names of William Norris and Susan Edson Norris," which was read; whereupon resolved to concur in passing this bill. Also "An act to preserve fish in Warner's pond in Londonderry," which was read; whereupon resolved to concur in passing this bill. Also "An act directing the Treasurer to pay Elias Lyman Junior the sum therein mentioned," which was read; whereupon resolved to concur in passing this bill. Also "An act granting to Daniel Kenyon the right to keep a ferry," which was read; whereupon resolved to concur in passing this bill. Also "An act establishing a corporation by the name of the St. Albans Steam boat Company," which was read; whereupon resolved to concur in passing this bill. Also "An act granting a further time to Weston for making a road therein mentioned," which was read; whereupon resolved to concur in passing this bill. Also "An act granting a ferry to Leonard Stone," which was read; whereupon resolved to concur in passing this bill. Also "An act for the relief of the town of Sommersett," which was read; whereupon resolved to concur in passing this bill. Also "An act in addition to the several acts for making and laying out highways," which was read; and thereupon amendments were proposed to the same which were read and adopted; whereupon resolved to concur in passing this bill with said proposals of amendment and Mr. Roberts is appointed to assign reasons to the House. Ordered that the Sec^y inform the House of the passage of the nineteen bills last mentioned.

The House sent up the following resolution for concurrence—"Resolved, the Gov. and Council concurring herein, that a board of commissioners be appointed by a joint committee of both houses to report at the next session of the General Assembly all facts that may come to their knowledge relative to the present situation of the common schools in this state, the manner in which the money raised for

their support is appropriated—the books which are used in such schools—to correspond with gentlemen in this and other States upon the subject and to report, if any, what alteration in their opinion ought to be made in the present system,” which was read; whereupon resolved not to concur with the House in passing this resolution. Ordered that the Sec^y return said resolution to the House.

The House sent up the following for concurrence in the reference to wit—“An act in addition to a school act”—“An act appointing the time of the session of Supreme and County Courts in the several Counties”—“An act for the relief of John Burnham Junior and Joseph Leffingwell,” with an order of the House on each that the same be referred to the Judiciary Committee; whereupon resolved to concur in said orders of reference. Also “An act authorising the proprietors of Bedel’s bridge to erect a toll gate in this state,” with an order of the House thereon that the same be referred to the Committee on roads and canals; whereupon resolved to concur in said order of reference. Also “An act to repeal an act therein mentioned,” with an order of the House thereon that the same be referred to the Committee on education; whereupon resolved to concur in said order of reference. Also “An act incorporating the Vermont Salt manufacturing Company,” with an order of the House thereon that the same be referred to the Committee on manufactures; whereupon resolved to concur in said order of reference. Also “A bill to incorporate the Pittsford iron manufacturing Company,” with an order of the House thereon that the same be referred to the Committee on manufactures; whereupon resolved to concur in said order of reference.

The House sent up the following resolution for concurrence. “Resolved, the Gov. and Council concurring herein, that the General Committee be instructed to enquire into the expediency of providing by law for the relief of persons who have heretofore become bail for the liberties of jails for debtors afterwards liberated by acts of suspension or insolvency passed by this legislature, which acts have been declared unconstitutional and void by the Supreme Court,” which was read; whereupon resolved to concur in passing this resolution.

The petition of William MacDougal, praying to have a certain fine and cost remitted, was called up, read, and the question put “Shall the said fine & cost be remitted and the said William M^cDougal discharged from confinement?” which was determined in the affirmative upon the condition that he leave the state of Vermont in five days after his discharge and does not again return. Adjourned to 2 Oclock P. M.

2 O’CLOCK P. M.—The Gov. and Council met pursuant to adjournment. Mr. Pierpoint on motion and leave introduced the following resolution—“Resolved that His Excellency the Governor be requested to transmit to the Speaker of the House of Representatives a certified copy of the resolutions adopted by the Council on the first instant relating to the bill entitled “An act repealing a part of an act therein mentioned.” Which was read and adopted and became a resolution of the Council.¹

The House sent up the following bills for revision and concurrence &c.—“An act relating to Common Schools,” which was read; whereupon resolved to concur in passing this bill. Also “An act annexing John Page Junior of Hartford to School District No. five in Hartland,” which was read; whereupon resolved not to concur in passing this bill and reasons for the same were assigned in writing. Also “An act annexing

¹See printed *Assembly Journal* of 1826, pp. 101, 142.

Martin Gilbert to the first School District in Woodstock," which was read; whereupon resolved not to concur in passing this bill and reasons for the same were assigned in writing. Also "An act in addition to an act entitled an act in addition to the several acts authorising the Supreme Court to appoint Commissioners of Jail delivery," which was read, and thereupon amendments were proposed to the same which were read and adopted; whereupon resolved to concur in passing this bill with said proposals of amendment and Mr. Pierpoint is appointed to assign reasons to the House. Also "An act in addition to the act for the punishment of certain inferior crimes and misdemeanors," which was read and thereupon amendments were proposed to the same which were read and adopted; whereupon resolved to concur in passing this bill with said proposals of amendment and Mr. Pierpoint is appointed to assign reasons to the House.

The petition of Lemuel Scott, for pardon, was called up, read and on motion of Mr. Pierpoint ordered to be dismissed.

The House sent up the following bill for revision and concurrence—"An act annexing Elias Hickock, Benjamin Hickock and Daniel Gibbs of Fairhaven to the Mill's School District in Castleton," which was read; whereupon resolved not to concur in passing this bill and reasons for nonconcurrence were assigned in writing. Adjourned to 9 O'clock to morrow morning.

FRIDAY Nov. 3, 1826. 9 O'clock A. M.

The Governor and Council met pursuant to adjournment. The House sent up the following resolution for concurrence to wit, "Resolved, the Gov. and Council concurring herein, that the Committee of ways and means be instructed to enquire into the expediency of making some alteration in the amount of compensation now by law allowed to the Superintendent of the state prison; and that they have leave to report by bill or otherwise," which was read; whereupon resolved to concur in passing this resolution. The House sent up the following resolution for concurrence, "Resolved, the Gov. and Council concurring herein, that the General Committee be instructed to enquire into the expediency of making provision for the erection of two wings, one on the east and one on the west side of the State House, for the better accommodation of the Gov. and Council, and offices for the Secretaries, Clerks, and library," which was read; whereupon resolved to concur in passing this resolution. The House sent up the following resolution for concurrence—"Resolved, the Gov. and Council concurring herein, that the Committee on roads and canals be instructed to enquire whether any and what alteration ought to be made in act reducing into one the several acts for laying out, making, repairing and clearing highways, and the acts in addition thereto; and report by bill or otherwise," which was read; whereupon resolved to concur in passing this resolution. The House sent up the following resolution for concurrence, "Resolved, the Gov. and Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of repealing an act entitled 'An act to prevent usury,' passed Nov. 12, 1822; and report by bill or otherwise," which was read; whereupon resolved to concur in passing this resolution.

The House sent up the following bills for revision and concurrence &c.—"An act appointing a Collector in the town of Mountholley," which was read; whereupon resolved to concur in passing this bill. Also "An act to repeal an act therein mentioned," which was read; whereupon resolved to concur in passing this bill. Also "An act establishing a

corporation by the name of the Sherburne turnpike Company," which was read; and thereupon amendments were proposed to the same which were read and adopted; whereupon resolved to concur in passing this bill with said proposed amendments and Mr. Pierpoint is appointed to assign reasons to the House. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. and Council met pursuant to adjournment. The House sent up the following bill for revision and concurrence &c.—"An act to authorize the Guardian of James Howe and Sarah Howe to sell and convey the real estate of his wards," which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House of the same. Adjourned to 9 O'clock to morrow morning.

SATURDAY Nov 4, 1826. 9 O'clock A. M.

The Gov. and Council met pursuant to adjournment. The House sent up the following for concurrence in the reference — "An act relating to advertisements," "An act in addition of an act to repeal two several acts relating to advertisements passed Nov. 11, 1815," with an order of the House thereon that the same be referred to the General Committee; whereupon resolved to concur in said orders of reference. Also "An act to incorporate the Vermont Agricultural Society," with an order of the House thereon that the same be referred to the committee on agriculture; whereupon resolved to concur in said order of reference. Also "An act laying a tax of four cents on each acre of land in the town of Warren," and the petition of Levi Shaw and others, with an order of the House on each that the same be referred to the land tax Committee; whereupon resolved to concur in said orders of reference. Also the petition of Thomas Tollman and others with an order of the House thereon that the same be referred to the committee on the petition of Joseph Morse and others; whereupon resolved to concur in said order of reference. Also The memorial of Asa Houghton, with an order of the House thereon that the same be referred to the Committee of Ways and Means; whereupon resolved to concur in said order of reference. Also "An act to preserve the fish in Baker's and Dean's pond," with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference.

A written message was rec^d from the House of representatives informing the Gov. and Council that the House had concurred in the amendments proposed by the Gov. and Council to the following entitled bills to wit, "An act altering the name of Jane Ann Willson" and "An act altering the name of Henry Galusha."

The House sent up the following bills for revision and concurrence &c.—"An act authorizing the literary society of Hinesburgh to hold real and personal estate," which was read; whereupon resolved to concur in passing this bill. Also "An act directing the Treasurer to pay Joseph Howes the sum therein mentioned," which was read; whereupon resolved to concur in passing this bill. Also "An act to empower the Strafford turnpike Company to surrender their charter," which was read; whereupon resolved to concur in passing this bill. Also "An act laying a tax of three cents on each acre of land in the town of Lemington," which was read; whereupon resolved to concur in passing this bill. Also "An act laying a tax of three cents on each acre of land in the town of Albany," which was read; whereupon resolved to concur in passing this bill. Also "An act laying a tax of four cents on each acre of land in the town of Newport," which was read; whereupon re-

solved to concur in passing this bill. Also "An act to preserve the fish in the several waters within the towns of Northfield and Roxbury in the County of Washington," which was read; whereupon resolved to concur in passing this bill. Also "An act authorizing the Treasurer of this State to contract a temporary loan for the support of government," which was read; whereupon resolved to concur in passing this bill. Also "An act for the relief of the town of Windham," which was read; whereupon resolved to concur in passing this bill. Also "An act authorizing County Courts to take charge of County property and to audit accounts," which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House of the concurrence of the Gov. and Council in the passage of the ten bills last mentioned. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. and Council met pursuant to adjournment. The Gov. and Council appointed Calvin J. Keith Librarian and Joseph Howes Superintendant of the public buildings for the year ensuing.

The House sent up the following bills for revision and concurrence &c. to wit—"An act in addition to an act for the punishment of certain capital and other high crimes and misdemeanors," which was read; whereupon resolved to concur in passing this bill. Also "An act restoring Calvin S. Harris to his legal privileges," which was read; whereupon resolved to concur in passing this bill. Also "An act in addition to an act entitled an act directing the levying and serving executions," which was read; whereupon resolved to concur in passing this bill. Also "An act in addition to an act entitled an act defining the powers of Justices of the peace within this State," which was read; whereupon resolved to concur in passing this bill. Also "An act extending the time allowed by law for rebuilding the second West river bridge in Dummerston," which was read; whereupon resolved to concur in passing this bill. Also "An act in addition to an act to provide for laying out a road from Sutton to Barton, passed Nov. 3, 1820," which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House of the passage of the six bills last mentioned. Adjourned to Monday next 9 O'clock A. M.

MONDAY Nov. 6, [1826.] 9 O'clock A. M.

The Gov. and Council met pursuant to adjournment. The House sent up the following for concurrence in the reference to wit, "An act to revive a tax on Parker's Gore," with an order of the House thereon that the same be referred to the land tax committee; whereupon resolved to concur in said order of reference. Also "An act repealing an act entitled an act to revive and continue in force certain sections of an act therein mentioned, passed Nov. 12, 1821," with an order of the House thereon that the same be referred to the Committee on education; whereupon resolved to concur in said order of reference.

A written message was rec^d. from the House informing the Gov. and Council that the House of representatives had concurred in the amendments proposed by the Gov. and Council to the following entitled bills to wit, "An act in addition to the several acts for making and laying out highways," "An act in addition to an act entitled an act in addition to the several acts authorizing the Supreme Court to appoint Commissioners of Jail delivery," and "An act in addition to the act for the punishment of certain inferior crimes and misdemeanors."

The House sent up the following bills for revision and concurrence—"An act authorizing John S. Larrabee and Samuel H. Holley to erect

wharves and store houses on lake Champlain at or near a place called Rowley's or Larrabee's point in Shoreham," which was read; whereupon resolved to concur in passing this bill. Also "An act for the relief of Henry Young and John Young," which was read; whereupon resolved to concur in passing this bill. Also "An act in addition to the several acts for the management and government of the state prison," which was read; whereupon resolved to concur in passing this bill—ordered that the Sec^y inform the House of the passage of [the] three bills last mentioned. Also "An act in addition to an act entitled an act incorporating the Connecticut river Company," which was read and thereupon amendments were proposed to the same, which were read and adopted; whereupon resolved to concur in passing this bill with said proposals of amendment and M^r Wetmore is appointed to assign reasons to the House.

The House sent up the following bills for concurrence in the reference—"An act laying duties on licences for vending or selling lottery tickets within this state," with an order of the House thereon that the same be referred to a select committee of two to join; whereupon resolved to concur and M^r Crafts is appointed from the Council. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M. — The Gov. and Council met pursuant to adjournment. The House sent up the following for concurrence in the reference—"An act granting further time for making a road in the town of Hartford," with an order of the House thereon that the same be referred to the committee on roads and canals; whereupon resolved to concur in said order of reference.

The House sent up the following bills for revision and concurrence &c.—"An act directing when tender may be made on notes and other contracts payable in specific article or articles which may fall due on Sunday," which was read; whereupon resolved to concur in passing this bill. Also "An act authorizing Whitfield Walker administrator of Charles Baker to deed land," which was read; whereupon resolved to concur in passing this bill. Also "An act in addition to the several acts for laying out, making, repairing and clearing highways," which was read; whereupon resolved to concur in passing this bill—ordered that the Sec^y inform the House of the passage of the three bills last mentioned.

Messrs. Dana and Holley on motion obtained leave of absence from and after this day for the remainder of the session.

Resumed the consideration of the resolutions introduced by M^r Langdon on the thirty-first of October last relating to the removal of the Circuit and District courts from the towns of Rutland and Windsor to Montpelier, and the same being read were severally adopted—Yeas 7, Nays 6. Those who voted in the affirmative are Messrs. Holley, Langdon, Merrill, Pierpoint, Proctor, Roberts and His Honor the Lieut. Gov. Those who voted in the negative are Messrs. Chittenden, Crafts, Dana, Fitch, Peck and Wetmore.

The House sent up the following entitled bill for revision and concurrence &c.—"An act in addition to an act establishing the Warren turnpike Company," which was read and thereupon amendments were proposed to the same which were read and adopted; whereupon resolved to concur in passing this bill with said proposals of amendment and M^r Langdon is appointed to assign reasons to the House. Also "An act establishing a company by the name of the Ripton turnpike Company," which was read and thereupon amendments were proposed to said bill which were read and adopted; whereupon resolved to concur in passing

this bill with said proposals of amendment and Mr Langdon is appointed to assign reasons to the House. Adjourned to 9 O'clock to morrow morning.

TUESDAY Nov. 7, 1826. 9 O'clock A. M.

The Gov. and Council met pursuant to adjournment. The House sent up the following bill for revision and concurrence &c. "An act to incorporate the ore bed turnpike Company," which was read and thereupon amendments were proposed to the same which were read and adopted and Mr Langdon is appointed to assign reasons to the House and the Gov. and Council resolved to concur in the passage of the bill with said proposals of amendment.

The House sent up the following resolution for concurrence—"Resolved, the Gov. and Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of providing by law that when real estate shall pass by the decree of the Court of Chancery the same shall be recorded in the town Clerk's office where such estate shall be situated, and report by bill or otherwise," which was read; whereupon resolved to concur in passing this resolution. The House sent up the following resolution for concurrence—"Resolved, the Gov. and Council concurring herein, that both houses meet in the representatives' room on wednesday next at two o'clock P. M. to appoint a Superintendant of the state prison," which was read; whereupon resolved to concur in passing this resolution. The House sent up the following resolution for concurrence—"Resolved, the governor and Council concurring herein, that the Genl Committee be instructed to enquire into the expediency of passing a law authorizing the Commissioners named in an act relating to jails and jailers and the relief of persons imprisoned therein, passed Nov. 16, 1819, to grant the like relief to any person imprisoned in jail on mesne process, on proper action of debt, covenant, contract or promise, to the extent now granted to persons imprisoned on execution, and report by bill or otherwise," which was read; whereupon resolved to concur in passing this resolution. The House sent up the following resolution for concurrence—"Resolved, the Gov. and Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of providing by law that judgments against two or more joint debtors, in case of [the decease of] one or more of the judgment debtors, shall be good against the estate of such deceased debtor," which was read; whereupon resolved to concur in passing this resolution.

The House sent up the following for concurrence in the reference—"An act incorporating an academy in Townshend," "An act to incorporate the college of natural history of the University of Vermont," with an order of the House on each that the same be referred to the Committee on education; whereupon resolved to concur in said orders of reference. Also "An act incorporating the Columbian academy at Windsor," with an order of the House thereon that the same be referred to the Committee on education; whereupon resolved to concur in said order of reference. "An act dividing the town of Dorset and constituting a new town by the name of East Dorset," "An act directing the Treasurer to pay the sum therein mentioned," "An act repealing an act entitled an act for the destruction of deer," with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to concur in said orders of reference. Also The petition of the Vermont Colonization Society, with an order of the House thereon that the same be referred to a select committee of three to join; whereupon resolved to

concur in said order of reference and His Honor the Lieut. Gov. is appointed from Council.

The House sent up the following bill for revision and concurrence &c. "An act in addition to an act entitled an act relating to fines, forfeitures, penalties and costs and directing the mode of taking recognizances in certain cases," which was read and thereupon amendments were proposed to said bill which were read and adopted; whereupon resolved to concur in passing this bill with said proposals of amendment and Mr. Pierpoint is appointed to assign reasons to the House.

His Excellency was pleased to appoint William L. Harrington Esquire of Burlington Inspector General of Beef and Pork for this State. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. and Council met pursuant to adjournment.

The House sent up the following for concurrence in the reference to wit—"An act in addition to an act for establishing permanent salaries for the Judges of the Supreme Court &c.," "An act in alteration of an act establishing salaries for the Judges of the Supreme Court," with an order of the House on each that the same be referred to the General Committee; whereupon resolved to concur in said orders of reference.

The House sent up the following bills for revision and concurrence &c.—"An act laying a tax of four cents on each acre of land in the town of Newbury," which was read; whereupon resolved to concur in passing this bill. Also "An act to discontinue a part of a road therein mentioned," which was read; whereupon resolved to concur in passing this bill. Also "An act for the relief of James McLeran," which was read; whereupon resolved to concur in passing this bill. Also "An act in addition to an act entitled an act granting to Jabez Penniman and his associates the right of erecting a toll bridge over Missisque river in Swanton, passed at the session of the General Assembly in 1810," which was read; whereupon resolved to concur in passing this bill. Also "An act laying a tax [of three cents] on each acre of land in the town of Stratton," which was read; whereupon resolved to concur in passing this bill. Also "An act to preserve the fish in Woodford pond," which was read; whereupon resolved to concur in passing this bill. Also "An act for the preservation of fish in Wells pond," which was read; whereupon resolved to concur in passing this bill. Also "An act repealing parts of an act therein mentioned," which was read; whereupon resolved to concur in passing this bill. Also "An act for the relief of Leonard Smith," which was read; whereupon resolved to concur in passing this bill. Also "An act laying a tax of four cents on each acre of land in the town of Lincoln," which was read; whereupon resolved to concur in passing this bill. Also "An act relating to the arch bridge across Onion River between Montpelier and Berlin," which was read; whereupon resolved to concur in passing this bill.¹ Also "An act repealing part of an act entitled an act reducing into one the several acts for laying out, making, repairing and clearing highways," which was read; whereupon resolved to concur in passing this bill. Also "An act laying a tax of three cents on each acre of land in the town of Duxbury," which was read; whereupon resolved to concur in passing this bill. Also "An act laying a tax of three cents on each acre of land in the town of Middlesex," which was read, whereupon amendments were proposed to the same which were read and adopted; whereupon resolved

¹ If not the first, this was one of the first arch-bridges erected in Vermont. It is now more than half a century old and apparently as sound as ever.

to concur in passing this bill with said proposals of amendment and Mr. Peck is appointed to assign reasons to the House. Also "An act to prevent the putting the carcasses of dead animals into White river or its tributary streams," which was read and thereupon amendments were proposed to the same which were read and adopted; whereupon resolved to concur in passing this bill with said proposals of amendment and Mr. Roberts is appointed from Council to assign reasons to the House. Adjourned to 9 O'clock to morrow morning.

WEDNESDAY Nov. 8, 1826. 9 O'clock A. M.

The Gov. and Council met pursuant to adjournment. Rec^d from the House the following for concurrence in the reference — "An Act assessing a tax of five cents on each acre of land in the town of Walden," with an order of the House thereon that the same be referred to the land tax committee; whereupon resolved to concur in said order of reference. Also "An act repealing part of an act therein mentioned," with an order of the House thereon that the same be referred to the committee of ways and means; whereupon resolved to concur in said order of reference.

Mr. Merrill, on motion, introduced the following resolution, Resolved, the House of Representatives concurring herein, that the two houses of the legislature meet in joint committee this day at two O'clock P. M. for the purpose of choosing three directors of the Vermont State bank. Also committee of one as provided by law for the inspection and examination of the proceedings of the respective banks within this state and to report the state of the said banks at the next session of the legislature—which was read and passed and sent to the House of representatives for their concurrence. Adjourned to 2 O'clock P. M.

2 O'clock P. M.—The Gov. and Council met pursuant to adjournment. The House set up the following for concurrence in the reference to wit, "An act for the relief of Manna Case," with an order of the House thereon that the same be referred to the committee on the petition of Gilman Willard; whereupon resolved to concur in said order of reference. Also "An act in addition to an act entitled an act directing the County Courts in setting out the liberties of the jails &c." with an order of the House thereon that the same be referred to the General Committee; whereupon resolved to concur in said order of reference.

A written message was rec^d from the House of representatives informing the Gov. and Council that the House had concurred in the passage of the resolution fixing a time for the two houses to meet in Joint Committee for the purpose of electing three Directors of the Vermont state bank and a committee to inspect and examine the proceedings of the several banks in this state.

The House sent up the following bills for revision and concurrence &c. — "An act authorizing the proprietors of Bedel's bridge to erect a toll gate in this state," which was read; whereupon resolved to concur in passing this bill. Also "An act providing compensation for the commissioners appointed to superintend the fund for the deaf and dumb," which was read; whereupon resolved to concur in passing this bill. Also "An act laying a tax of three cents on each acre of land in the town of Mansfield," which was read; whereupon resolved to concur in passing this bill. Also "An act to preserve the fish in the waters of Calais in the County of Washington and Woodbury in the County of Caledonia," which was read; whereupon resolved to concur in passing this bill.

Also "An act directing the Treasurer to pay Samuel W. Gilford therein mentioned," which was read; whereupon resolved to concur in passing this bill. Also "An act annexing the town of Newark in the County of Caledonia to Caledonia Probate District," which was read; whereupon resolved to concur in passing this bill. Also "An act to repeal part of an act therein mentioned," which was read; whereupon resolved to concur in passing this bill. Also "An act in addition to an act constituting Probate Courts and defining their powers and regulating the settlement of testate and intestate estates and the guardianship of minors and insane persons," which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House of the passage of the eight bills last mentioned. Adjourned to 9 O'clock to morrow morning.

THURSDAY Nov. 9, 1826. 9 O'clock A. M.

The Gov. and Council met pursuant to adjournment. The House sent up the following resolution for concurrence—"Resolved, the Gov. and Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of passing a law authorising any Judge of the Supreme and County Courts to grant a habeas corpus to any person imprisoned by virtue of execution issued by any Justice of the peace when the cause shall have been certified to be a wilful and malicious trespass, giving such Judge power to liberate such prisoner when in his opinion such certificate was erroneously made," which was read; whereupon Resolved to concur in passing this resolution. Also the following resolution—"Resolved, the Gov. and Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of so amending the act entitled 'An act for the limitation of suits on penal statutes, criminal prosecutions and suits at law' that when any person shall abscond or otherwise avoid legal process, the statute aforesaid shall be suspended until the reappearance of the person so absconding or avoiding process," which was read; whereupon resolved to concur in passing this resolution.

The House sent up the following for concurrence in the reference—"An act in addition to an act entitled an act regulating town meetings and the duty and choice of town officers," with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference. Also "An act for the improvement of the breed of horses within this state," with an order of the House thereon that the same be referred to a select committee of three to join; whereupon resolved to concur in said order of reference and Mr Peck is appointed from Council.

A message was rec^d from the House of representatives by Mr Bell, one of its members, informing the Gov. and Council that the Hon. D. Azro A. Buck had resigned the office of Speaker of the H. R. and that the Hon. Robert B. Bates had been elected to fill the vacancy.

The petition of Israel Wetherell, for pardon, was called up, read and the question put "Shall the said Israel Wetherell be discharged from his confinement?" which was determined in the affirmative—Yeas 11, Nays 0.

The House sent up the following bill for revision and concurrence &c.—"An act in alteration of an act establishing salaries for the Judges of the Supreme Court of this state," which was read; whereupon resolved to concur in passing this bill. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. and Council met pursuant to adjournment.

The House sent up the following for concurrence in the reference — "An act fixing the compensation of the Superintendant of the state prison for the current year," which was read; whereupon resolved to concur in passing this bill, of which the House was informed by the Sec^y. Adjourned to 9 O'clock to morrow morning.

FRIDAY Nov. 10, 1826. 9 O'clock A. M.

The Gov. and Council met pursuant to adjournment. The House sent up the following for concurrence in the reference — "An act in addition to an act entitled an act constituting the Supreme Court of Judicature and County Courts, defining their powers and regulating judicial proceedings," with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference.

A message was received from the House [of] Representatives by M^r. Paddock, one of its members, informing the Gov. and Council that the House had nonconcurred in the amendments proposed by the Gov. and Council to the bill entitled "An act in addition to an act entitled an act incorporating the Connecticut river Company," and after assigning the reasons of the House he withdrew.

The House sent up the following bill for revision and concurrence &c. "An act to incorporate the baptist convention of the state of Vermont," which was read; whereupon resolved not to concur in passing this bill; whereupon M^r. Merrill was appointed to assign the reasons of the Council for their nonconcurrence, who reported the following, which were read and adopted, to wit—¹

2 O'CLOCK P. M.—The Gov. and Council met pursuant to adjournment. Adjourned to 9 O'clock to morrow.

SATURDAY Nov. 11, 1826. 9 O'clock A. M.

The Gov. and Council met pursuant to adjournment. A message was received from the House of Representatives by M^r. Buck, one of its members, informing the Gov. and Council that the House had concurred in all the amendments proposed by the Gov. and Council to the bill entitled "An act to prevent [putting] the bodies or carcasses of dead animals into any river or stream," excepting the fifth and sixth amendments, and that the House had resolved not to concur in the said fifth and sixth amendments, and after assigning the reasons of the House he withdrew—whereupon Resolved to suspend the passing of this bill until the next session of the legislature—of which the House of Representatives were informed by written message.

The House sent up the following for concurrence—The memorial of Elias Hall, with an order of the House thereon that the same be referred to a select committee of three to join; whereupon resolved to concur in said order of reference and M^r. Crafts is appointed from Council. Also "An act annexing a part of the town of Bolton to the town of Waterbury," with an order of the House thereon that the same be referred to a select committee of three to join; whereupon resolved to concur in said order of reference and M^r. Roberts is appointed from Council.

¹ The reasons were not entered on the journal of either house; but the House was satisfied by them and dismissed the bill.

A written message was rec^d from the House of Representatives informing the Gov. and Council that the House had concurred in the amendments proposed by the Gov. and Council to the following entitled bills to wit—"An act laying a tax of three cents on each acre of land in the town of Middlesex," "An act in addition to an act entitled an act relating to fines, forfeitures, penalties and costs, and directing the mode of taking recognizances in certain cases."

The House sent up the following for revision and concurrence &c.—"An act making appropriations for the support of government," which was read; whereupon resolved to concur in passing this bill. Also "An act in addition to an act entitled an act incorporating the Connecticut river Company," whereupon resolved to rescind from the amendments heretofore proposed to said bill and to concur with the House in passing the bill. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. and Council met pursuant to adjournment. Mr. Pierpoint, on motion, introduced the following resolution to wit, "Resolved, that the Sec^y of the Governor and Council be directed to keep in his possession all bills that have been or may be suspended, and hold the same subject to the order of the Council at the next session, and that his Excellency the Gov. be requested, whenever the passage of any bill is suspended by the Council, to notify the House of representatives thereof," which was read and passed. On motion of Mr. Pierpoint a copy of said resolution was ordered to be transmitted to the House of representatives.¹

The House sent up the following bills for revision and concurrence &c.—"An act incorporating the Vermont salt manufacturing Company," which was read; whereupon resolved to concur in passing this bill.² Also "An act assessing a tax for the support of government," which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House of the passage of the two bills last mentioned. Adjourned to 9 O'clock Monday next.

MONDAY Nov. 13, 1826. 9 O'clock A. M.

The Gov. and Council met pursuant to adjournment. The House sent up the following for concurrence in the reference to wit—The peti-

¹ See printed *Assembly Journal* of 1826, pp. 153 to 155.

² The corporators in this act were all citizens of Montpelier, the Hon. Daniel Baldwin heading the list. They were induced to make the experiment for the reason that the geological indications at and near Montpelier were similar to those in Ohio, Pennsylvania, and western New York, where salt water had been reached by boring. The work was commenced at Montpelier village, near the arch bridge, Aug. 8, 1827, and continued until Jan. 4, 1830, when a depth of eight hundred and fifty feet had been reached, all the way through solid rock of different sorts, occasional interstices excepted. At this point the drill and shaft became so strongly wedged that no available power could raise them, and the work was necessarily abandoned. No salt water was found, but there was an abundant flow of fresh water from a fountain about four hundred feet below the surface.—See D. P. Thompson's *History of Montpelier*, pp. 122-126.

tion of Joel Templeton and others, with an order of the House thereon that the same be recommitted to the land tax committee; whereupon resolved to concur in said order of recommitment. Also "An act repealing a part of an act therein mentioned," with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference.

The House sent up the following resolution for concurrence to wit — "Nov. 11, 1826. Resolved, the Gov. and Council concurring herein, that both Houses meet in Joint Committee in the representatives' room, on monday next at two oclock in the afternoon, to receive further nominations of County officers of the several Counties and to make the appointment of such officers"—which was read; whereupon resolved to concur in passing this resolution—ordered that Sec'y return the same to the House. Adjourned to 2 Oclock P. M.

2 OCLOCK P. M.—the Gov. and Council met pursuant to adjournment.

The House sent up the following for concurrence in the reference—"An act in addition to an act for the support of schools," with an order of the House thereon that the same be referred to the committee on education; whereupon resolved to concur in said order of reference.

The House sent up the following bill for revision and concurrence &c. "An act annexing the town of Concord in the County of Essex to the County of Caledonia and for other purposes," which was read and thereupon amendments were proposed to the same which were read and adopted; whereupon resolved to concur in passing this bill with said proposals of amendment and M^r. Pierpoint is appointed to assign reasons to the House. Adjourned to 9 Oclock to morrow morning.

TUESDAY Nov. 14, 1826. 9 Oclock A. M.

The Governor and Council met pursuant to adjournment. The House sent up the following for concurrence in the reference to wit — "An act to incorporate the Vermont Mutual fire insurance Company," with an order of the House thereon that the same be referred to the General Committee; whereupon resolved to concur in said order of reference.

The House sent up the following resolution for concurrence to wit,— "Resolved, the Gov. and Council concurring herein, that both houses meet in the representatives' room on Thursday next at seven Oclock A. M. to adjourn the legislature without day," which was read; whereupon resolved to concur in passing this resolution.

The House sent up the following for concurrence in the reference to wit — The petition of David Chadwick and others, of Daniel Mead and others, with an order of the House on each that the same be recommitted to the land tax Committee; whereupon resolved to concur in said orders of recommitment.

The House sent up the following bills for revision and concurrence &c.—"An act authorizing the several towns in the County of Windham to choose delegates for the purpose therein mentioned," which was read; whereupon resolved to concur in passing this bill. Also "An act repealing part of an act entitled an act ascertaining the principles on which the list of this state shall be made and directing listers in their office and duty," which was read; whereupon resolved to concur in passing this bill. Also "An act incorporating the Bennington iron Company," which was read; whereupon resolved to concur in passing this bill. Also "An act to incorporate certain persons herein mentioned by the name of the Pittsford iron manufacturing Company," which was read;

whereupon resolved to concur in passing this bill. Also "An act incorporating Swanton Canal Company," which was read; whereupon resolved to concur in passing this bill. Also "An act laying a tax of three cents on each acre of land in the town of Jerico," which was read; whereupon resolved to concur in passing this bill—ordered that the Sec^y inform the House of the passage of the six bills last mentioned. Also "An act to incorporate the Vermont Agricultural Society," which was read; whereupon resolved not to concur in passing this bill and His Honor the Lieut. Governor was appointed to assign reasons to the House—and reasons were assigned in writing. Also "An act to provide for publishing the public acts," which was read and thereupon amendments were proposed to the same which were read and adopted; whereupon resolved to concur in passing this bill with said proposals of amendment and Mr. Merrill is appointed to assign reasons to the House.

The House sent up for concurrence the following resolution relating to the claim of the Iroquois Indians to certain lands in the State of Vermont, to wit—"Resolved, the Gov. and Council concurring herein, that the Gov. of this State be requested to notify the peti[tion]ers that the State of Vermont have often fully examined the merits of their claim to lands within this State as set forth in their petition, and have now re-examined the same, and are of opinion, if ever any claim existed in their ancestors, it was done away and extinguished by the treaty of peace in the year of our Lord 1763 between the King of Great Britain and France, and also by the treaty of peace in 1783 between the United States and Great Britain; and that the petitioners at this time have no claim in law or equity to any of the lands described in their petition," which was read and thereupon amendments were proposed to the same which were read and adopted; whereupon resolved to concur in passing this resolution with said proposals of amendment and Mr. Merrill is appointed to assign reasons to the House.¹ The House sent up the following resolutions for concurrence to wit—"Resolved by the General Assembly of the State of Vermont, that the amendments to the constitution of the United States, proposed by the General Assembly of the State of Tennessee on the twenty-fifth day of Nov. A. D. 1825, and forwarded to the Gov. of this State, are not approved. Resolved that His Excellency the Gov. be requested to transmit a copy of the foregoing resolution to the executive of each of the United States," which were read; whereupon resolved to concur in passing these resolutions. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. and Council met pursuant to adjournment. The petition of Joseph Farryal, for pardon, was called up and on motion voted to reconsider the vote dismissing said petition, whereupon the question was put "Shall the said Joseph Farryal be discharged from confinement?" which was determined in the affirmative—Yeas 7, Nays 5.

The House sent up the following resolution for concurrence to wit, "Resolved, the Gov. and Council concurring herein, that Jedediah H. Harris of Strafford and Thomas Emerson of Norwich be and hereby are appointed a committee to attend at the Vermont State prison in the month of September next to make an appraisal and inventory of the property belonging to said prison; and also to settle with the Superintendent and investigate all the accounts of said prison, and make report to the legislature at their next session," which was read; whereupon resolved to concur in passing this resolution.

¹ For report of the committee see printed *Assembly Journal* of 1826, pp. 140-41; and for the resolution adopted see *Laws of Vt.* 1826, p. 30.

On motion of His Honor the Lieut. Gov., voted to reconsider the vote nonconcurring the bill entitled "An act to incorporate the Vermont Agricultural Society." And on motion resolved to concur with the House in passing this bill.

The petition of Lurany Smalley, for pardon, was called up, and on motion voted to reconsider the vote dismissing said petition, and the question was put "Shall the said Lurany Smalley be discharged from confinement?" which was determined in the affirmative—Yeas 8, Nays 4. Adjourned to 9 O'clock to morrow.

WEDNESDAY Nov. 15, 1826. 9 O'clock A. M.

The Gov. and Council met pursuant to adjournment. The House sent up the following bills for revision and concurrence &c. to wit—"An act to repeal a part of an act therein mentioned," which was read and thereupon amendments were proposed to the same which were read and adopted; whereupon resolved to concur in passing this bill with said proposals of amendment and Mr. Merrill is appointed to assign reasons to the House. Also "An act for the relief of Mount labor turnpike company," which was read; whereupon resolved to concur in passing this bill. Also "An act granting further time for making a road in the town of Hartford," which was read; whereupon resolved to concur in passing this bill. Also "An act authorizing the Treasurer to pay Alden Farnsworth the sum therein mentioned," which was read; whereupon resolved to concur in passing this bill. Also "An act in addition to an act entitled an act regulating and governing the militia of this state," which was read; whereupon resolved to concur in passing this bill. Also "An act incorporating the Columbian Academy at Windsor," which was read; whereupon resolved to concur in passing this bill. Also "An act to preserve fish in the waters of Johnston's pond and Burroughs' pond in the town of Newbury," which was read; whereupon resolved to concur in passing this bill. Also "An act to preserve pickorel in Tickle naked pond in Ryegate," which was read; whereupon resolved to concur in passing this bill. Also "An act laying a tax of two cents on each acre of land in the town of Westmore," which was read; whereupon resolved to concur in passing this bill. Also "An act for the relief of the Jamaica turnpike Company," which was read; whereupon resolved to concur in passing this bill. Also "An act to preserve fish in Baker's and Dean's pond," which was read; whereupon resolved to concur in passing this bill. Also "An act to preserve fish in Hall's pond and Harriman's pond in Newbury," which was read; whereupon resolved to concur in passing this bill. Also "An act to preserve fish in Greensboro pond," which was read; whereupon resolved to concur in passing this bill. Also "An act authorizing Calvin Perry to erect a wharf in Lake Champlain in Swanton," which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec'y inform the House of the passage of the thirteen bills last mentioned.

The House sent up the following resolutions for concurrence to wit—"Resolved, the Gov. and Council concurring herein, that the Senators and representatives in Congress from this State be requested to use their influence in the national legislature to procure the passing of such laws as will afford efficient aid to the American Colonization Society in carrying on their great work of colonizing the western coast of Africa, with their own consent, with the free people of color of the United States. Resolved that His Excellency the Gov. be requested to transmit to each of the Senators and representatives in Congress from this

state a copy of these resolutions," which were read; whereupon resolved to concur in passing these resolutions.¹

The petition of Nathan Scranton, for pardon, was called up, read and the question put "Shall a pardon be granted to the said Nathan Scranton?" which was determined in the affirmative—Yeas 10, Nays 2. Those who voted in the affirmative are Messrs. Chittenden, Crafts, Dana, Fitch, Langdon, Merrill, Peck, Pierpoint, Proctor and Wetmore. Those who voted in the negative are the Lieut. Governor and Mr. Roberts. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. and Council met pursuant to adjournment. The House sent up the following bills for revision and concurrence &c. "An act in addition to an act for the support of schools," which was read; whereupon resolved to concur in passing this bill. Also "An act laying duties on licences for vending or selling lottery tickets within this State," which was read; whereupon resolved to concur in passing this bill. Also "An act granting relief to the town of Ryegate in the [County of] Caledonia," which was read; whereupon resolved to concur in passing this bill. Ordered that the Secy inform the House of the passage of the three bills last mentioned. Also "An act in addition to an act entitled an act constituting the Supreme Court of Judicature and County Courts, defining their powers and regulating judicial proceedings," which was read; whereupon amendments were proposed to the same which were read and adopted and thereupon resolved to concur in passing this bill with said proposals of amendment and Mr. Merrill is appointed to assign reasons to the House.

The petition of Manna Case, praying for a pardon, was called up, read and the question put "Shall a pardon be granted to the said Manna Case?" which was determined in the negative—Yeas 4, Nays 8. Those who voted in the affirmative are Messrs. Fitch, Merrill, Pierpoint and Wetmore. Those who voted in the negative are His Honor the Lieut. Gov., Messrs. Chittenden, Crafts, Dana, Langdon, Peck, Proctor and Roberts.

The petition of William Twambly for pardon was called up and on motion ordered that the same be dismissed. Adjourned to half past six O'clock this evening.

HALF PAST SIX O'CLOCK P. M.—The Gov. and Council met pursuant to adjournment.

Mr. Wetmore, on motion, introduced the following resolution to wit—Resolved, the General Assembly concurring herein, that the Gov. and Council may appoint some person, learned in the law, whose duty it shall be to examine into the validity of the several grants of lotteries in

¹ Oct. 19 1826, Benjamin Ormsby of Brookline proposed to the General Assembly a resolution instructing the Vermont delegation in Congress to favor the abolition of slavery in the District of Columbia. This resolution was referred to a committee, reported adversely, and rejected.—See printed *Assembly Journal* of 1826, pp. 37, 138–9. The action on the two resolutions indicates that the general sentiment in Vermont was adverse to any action against slavery, except through the voluntary consent of masters to free their slaves for the purposes of colonization. Both the American and Vermont Colonization Societies received favor in Vermont because of the expected effect of them in inducing the emancipation of slaves as well as the civilizing and christianizing Africa.

this state and the legality of the proceedings under them, and whether the objects of said grants have been answered; and to adopt such proceedings in law or chancery as he may deem proper to prevent any further proceedings under said grants," which was read and passed and ordered to be sent to the House of Representatives for their concurrence.

A message was received from the House of representatives by Mr. Bell, one of its members, informing the Gov. and Council that the House had not concurred in the amendments proposed by the Gov. and Council to the bill entitled "An act in addition to an act entitled an act constituting the Supreme Court of Judicature and County Courts, defining their powers and regulating judicial proceedings," and after assigning the reasons of the house he withdrew—whereupon the Gov. and Council resolved to suspend the passing of said bill until the next session of the legislature and the House was informed by written message.

The House sent up the following bills for concurrence &c.—"An act repealing the second section of an act entitled an act to provide for the reporting the decisions of the Supreme Court of Judicature, passed Oct. 28, 1823, and also an act making further provisions for reporting the decisions of the Supreme Court, passed Nov. 16, 1825," which was read; whereupon resolved not to concur in passing this bill and reasons for nonconcurrence were assigned in writing by Mr. Merrill.

The House sent up the following bills for revision and concurrence &c.—"An act in addition to an act entitled an act for the support of schools," which was read; whereupon resolved to concur in passing this bill. Also "An act to incorporate the College of natural history of the University of Vermont," which was read; whereupon resolved to concur in passing this bill. Also "An act supplementary to an act entitled an act in addition to an act constituting the Supreme Court of Judicature and County Courts, defining their powers and regulating judicial proceedings, passed Nov. 11, 1814," which was read; whereupon resolved to concur in passing this bill. Also "An act establishing and incorporating an academy at Townshend," which was read; whereupon resolved to concur in passing this bill. Also "An act laying a tax of four cents on each acre of land in the town of Worcester," which was read; whereupon resolved to concur in passing this bill. Also "An act laying a tax of three and a half cents on each acre of land in the town of Navy now Charleston," which was read; whereupon resolved to concur in passing this bill. Also "An act to preserve the fish in the several waters in Starksboro in the County of Addison," which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House of the passage of the seven bills last mentioned.

The House sent up the following for revision and concurrence to wit, "An act directing the Treasurer to pay Tappan Stevens the sum therein mentioned," which was read; whereupon resolved not to concur in passing this bill, and the reasons of the Council for nonconcurrence were assigned in writing by Mr. Pierpoint.

The House sent up the following resolution for concurrence to wit—"Resolved, the Gov. and Council concurring herein, that our Senators in Congress be instructed and our Representatives requested to use their influence in procuring the passage of a resolution, introduced by Mr. Dickerson of New Jersey, appropriating from the United States treasury the sum of five millions of dollars annually among the several states in proportion to their population, for the purposes of education and internal improvement," which was read; whereupon resolved to concur in passing this resolution.

A message was received from the House of representatives by Mr. Hall, one of its members, informing the Gov. and Council that the

House had repassed the bill entitled "An act directing the Treasurer to pay Tappan Stevens the sum therein mentioned," and after assigning the reasons of the House he withdrew. Thereupon an amendment was proposed to said bill which was read and adopted; whereupon resolved to concur with the House in passing this bill with said proposals of amendment, and Mr. Pierpoint was appointed to assign the reasons of the Council.

A message was received from the House of representatives by Mr. Buck, one of its members, informing the Gov. and Council that the House had nonconcurring in the amendment proposed by the Council to the bill entitled "An act directing the Treasurer to pay Tappan Stevens the sum therein mentioned," and after assigning the reasons of the House he withdrew. Whereupon Resolved to suspend the passage of this bill until the next session of the legislature, of which the House of representatives was informed by written message.

A written message was received from the House of representatives, enclosing a copy of the following resolutions—"Resolved that the House of representatives do possess the constitutional power to pass a bill into a law without the concurrence of the Gov. and Council which has originated in the House and has been suspended by the Gov. and Council. Resolved, that declaring the bill, entitled "An act repealing part of an act therein mentioned," to have become a law without the concurrence of the Gov. and Council, is warranted by the constitution."

A written message was received from the House informing the Gov. and Council that the House had concurred in the amendments proposed by the Gov. and Council to the following bills to wit, "An act to repeal a part of an act therein mentioned," "An act annexing the town of Concord in the County of Essex to the County of Caledonia," "An act to provide for the publishing of the public acts."

The House sent up the following for revision and concurrence &c. to wit, "An act laying a tax of five cents on each acre of land in the town of Walden," which was read; whereupon resolved to concur in passing this bill. Adjourned to 7 O'clock to morrow morning.

THURSDAY Nov. 16, 1826. 7 O'clock A. M.

The Gov. and Council met pursuant to adjournment. A message was received from the House by Mr. Lyman, one of its members, informing the Gov. and Council that the House had completed the business of the session and was now ready to adjourn without day, and he withdrew. Ordered that the Sec'y inform the House that the Gov. and Council will immediately attend in the representatives' room to adjourn the General Assembly without day. The Gov. and Council attended in the representatives' room, and after an address to the throne of grace by the Chaplain, the General Assembly was adjourned without day. The Gov. and Council returned to their chamber and adjourned without day.

STATE OF VERMONT, ss.—The foregoing from page 306 to page 414 both inclusive [of manuscript *Council Journal* marked Vol. 10.] is a true Journal of the proceedings of the Gov. and Council at their annual session in the [year] 1826.

D. KELLOGG, Sec'y.

DEBENTURE OF THE LIEUT. GOV. AND COUNCIL, 1826.	No. Miles Travel.	Am't of Travel.	No. days Att'nce.	Am't of Att'nce.	Debenture.
Mr. Dana of O.	22	2.64	2	3.00	5.64
" Holley	60	7.20	28	42.00	49.20
Lieut. Gov. Leland	80	9.60	36	144.00	153.60
Mr. Chittenden	30	3.60	36	54.00	57.60
" Crafts	40	4.80	31	46.50	51.30
" Dana of C.	30	3.60	36	54.00	57.60
" Fitch	42	5.04	34	51.00	56.04
" Langdon	80	9.60	36	54.00	63.60
" Merrill	130	15.60	36	54.00	69.60
" Peck	12	1.44	35	52.50	53.94
" Pierpoint	60	7.20	36	54.00	61.20
" Proctor	72	8.64	36	54.00	62.64
" Roberts	130	15.60	36	54.00	69.60
" Wetmore	60	7.20	36	54.00	61.20
Sheriff Keith	1	12	36	54.00	54.12
Deputy Peck	12	1.44	36	54.00	55.44
Librarian	1	12	36	54.00	54.12
					\$1036.44

The above was received of the Treasurer by the Sheriff of Washington County and by him paid out to the members of the Council &c.

FIFTY-FIRST COUNCIL.

OCTOBER 1827 TO OCTOBER 1828.

EZRA BUTLER, Waterbury, *Governor*.

HENRY OLIN, Leicester, *Lieut. Governor*.¹

Councillors:

SAMUEL C. CRAFTS, Craftsbury,

CHAUNCEY LANGDON, Castleton,

SETH WETMORE, St. Albans,

SAMUEL H. HOLLEY, Middlebury,

JOHN ROBERTS, Whitingham,

ORSAMUS C. MERRILL, Benn'gton,

ROBERT PIERPOINT, Rutland,

LYMAN FITCH, Thetford,

JOHN C. THOMPSON, Burlington,

GEO. WORTHINGTON, Montpelier,

BENJAMIN F. DEMING, Danville,

DAVID HOPKINSON, Jr., Guildhall.

DANIEL KELLOGG, Rockingham, *Secretary*.

RAWSEL R. KEITH, Montpelier, *Sheriff*.

CALVIN J. KEITH, Montpelier, *Librarian*.

BIOGRAPHICAL NOTICES.

JOHN C. THOMPSON first appears in the Vermont records as an attorney at Hartland in 1819, shortly after which he removed to Burlington. He was Councillor 1827 until 1831, and Judge of the Supreme Court in 1830.—*Walton's Vermont Register*.

GEORGE WORTHINGTON came from Connecticut to Montpelier when a young man, and entering into business as a hatter married Clarissa Davis, the youngest daughter of Col. Jacob Davis, and the first person born in Montpelier. He represented Montpelier in the General Assembly in 1819, was Sheriff of Washington County in 1814, Judge of Probate in 1840, and Councillor 1827 until 1835. A man highly esteemed for his integrity, he was largely employed as an administrator in the settlement of estates in Washington County. He removed to Irasburgh about 1858, and died there shortly afterward.

¹ For notice of Lieut. Gov. Olin see Vol. VI. p. 287.

BENJAMIN F. DEMING was Clerk of Caledonia County Courts 1817 until 1833, Judge of Probate 1821 until 1833, Councillor in 1827 and until 1833, and Member of Congress 1833 until his death at Saratoga Springs, July 11, 1834, aged 44.—*Deming's Catalogue*; and *Vt. Historical Magazine*, Vol. I. p. 320.

DAVID HOPKINSON Jr. was probably a native of Guildhall, and son of the Hon. David Hopkinson. He represented Guildhall in 1829, was Judge of the County Court 1826 and 1829, and Councillor 1827, and died suddenly in November 1837.—*Deming's Catalogue*; and *Vt. Historical Magazine*, Vol. I, title Guildhall.

RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION WITH THE GENERAL ASSEMBLY AT MONTPELIER, OCTOBER 1827.

STATE OF VERMONT ss.—A Journal of the proceedings of the Governor and Council of the State of Vermont at their session begun and held at Montpelier in said State on the second thursday of October in the year of our Lord one thousand eight hundred and twenty seven—Present His Excellency Ezra Butler, Governor. The Hons. Seth Wetmore, John Roberts, Orsamus C. Merrill, Truman Chittenden, Samuel H. Holley, Israel P. Dana, Chauncey Langdon, Jabez Proctor, Lyman Fitch & Robert Pierpoint Councillors. A message was received from the House of Representatives by Mr. Kellogg, one of its members, informing the Gov. and Council that the House had organized by electing Robert B. Bates Speaker pro tem. and Timothy Merrill Clerk pro tem. Ordered that the Sec^y inform the House that the Gov. and a quorum of the Council are assembled in the Council chamber and are ready to proceed to business.

A message was received from the House by Mr. Ransom, one of its members, informing that the House had on their part appointed a committee to receive, sort and count the votes for Gov., Lieut. Gov., Treasurer and Councillors, and requested the Gov. and Council to join in said appointment, and he withdrew. Whereupon the Gov. and Council proceeded to appoint a committee to join such committee on the part of the House, and Messrs. Wetmore, Merrill and Roberts were appointed and sworn. Ordered that the Sec^y inform the House of Representatives that the Gov. and Council have on their part appointed a committee to receive, sort and count the votes for Gov., Lieut. Gov., Treasurer and Councillors for the ensuing year. Adjourned to 4 O'clock P. M.¹

¹ The election sermon was preached by Rev. Thomas Goodwillie.

4 OCLOCK P. M.—The Gov. and Council met pursuant to adjournment. A message was received from the House of Representatives by Mr. Palmer, one of its members, informing that the House are assembled and that they are ready to receive the report of the canvassing committee. Ordered that the Sec^y inform the House that the Gov. and Council will immediately attend in the Representatives' room to receive the report of the canvassing committee. The Gov. and Council attended in the Representatives' room when the following report was made to wit—

"To the Hon. General Assembly now sitting.—The committee appointed to receive, sort and count the votes for Gov., Lieut. Gov., Treasurer and Councillors, Report, that His Excellency Ezra Butler is elected Governor, the Hon. Henry Olin is elected Lieut. Governor, Benjamin Swan Esquire is elected Treasurer. The Hon. Orsamus C. Merrill, John Roberts, Chauncey Langdon, Robert Pierpoint, Samuel H. Holley, Lyman Fitch, John C. Thompson, George Worthington, Benjamin F. Deming, Seth Wetmore, Samuel C. Crafts and David Hopkinson Jr. are elected Councillors for the year ensuing.

SETH WETMORE for Committee.¹

Montpelier, Oct. 11, 1827."

Adjourned to 9 O'clock to morrow morning.

FRIDAY October 12, 1827. 9 O'clock A. M.

The Gov. and Council met pursuant to adjournment. The Governor retired and the Hon. Mr. Wetmore was called to the chair. A message was received from the House by Mr. Pettibone, one of its members, informing that the House had elected Robert B. Bates Speaker, Norman Williams Sec^y of State, Timothy Merrill Clerk and Oramel H. Smith engrossing Clerk.

The Hon. Samuel Prentiss, one of the Justices of the Supreme Court, appeared in the Council chamber and administered the oath of office to the following named Councillors to wit, Chauncey Langdon, Orsamus C. Merrill, John Roberts, Robert Pierpoint, Samuel H. Holley, Lyman Fitch, George Worthington, Benjamin F. Deming and Seth Wetmore. Adjourned to 2 O'clock P. M.

2 OCLOCK P. M.—The Gov. and Council met pursuant to adjournment.

The House sent up the following resolution for concurrence to wit—"Resolved, the Gov. and Council concurring herein, that both houses meet in the Representatives' room, at two O'clock this afternoon, for the purpose of electing a chaplain of the General Assembly for the year ensuing," which was read; whereupon resolved to concur with the House in passing this resolution. Ordered that the Sec^y inform the House of the same.

His Excellency the Gov. and the Hon. Council attended in the representatives' room, where the oaths of office were administered to His Excellency by the Hon. Samuel Prentiss, one of the Justices of the Supreme Court, in the presence of the General Assembly, after which His Excellency made the following communication to the two houses to wit—²

¹ The votes for governor were 13,699 for Ezra Butler, and 1951 for Joel Doolittle.

² See Appendix A.

The two houses then proceeded to the election of a chaplain to the General Assembly, after which the Governor and Council returned to their chamber.*

A great number of petitions from convicts in the state prison were presented and filed. Adjourned to 9 O'clock to morrow morning.

SATURDAY Oct. 13, 1827. 9 O'clock A. M.

The Gov. and Council met pursuant to adjournment. The House sent up the following for concurrence in the reference—the petition of Jabez Newton and others, with an order of the House thereon that the same be referred to the committee on manufactures; whereupon Resolved to concur in said order of reference—the petition of James Mc Laran, with an order of the House thereon that the same be referred to the committee of Ways & Means; whereupon Resolved to concur in said order of reference. The petition of the Selectmen of Woolcot, with an order of the House thereon that the same be referred to the committee of ways and means; whereupon Resolved to concur in said order of reference.—The petition of the Officers of Jefferson Artillery Company, and of the Officers of the Artillery Company in the third Regiment third Brigade and third Division, with an order of the House on each that the same be referred to the Military Committee; whereupon resolved to concur in said orders of reference.

The petitions of David Brian, of J. Anderson, of Jacob Brown, of Baptiste Cunyas, of George Clark, of Moses Clough, of F. Clement, of Thomas H. Bartlet, of G. Craig, of William Davis, of Thomas Dean, of E. Comstock, of J. Fisk, of L. Freemour, of Francis Freeman, of Lucius Hill, of Josiah Hogg, of John Hunt, of Allen Howard, of J. Johnson, of John Jackson, of P. Jackson, of William Loux, of Joel B. King, and of Neally Norris, convicts confined in the state prison, were severally called up, read and on motion ordered to be dismissed. The petition of Charles Emerson, a convict in the state prison, praying to be discharged from confinement, was called up and the question put "Shall the said Charles Emerson be discharged from confinement?" which was determined in the affirmative—Yeas 9, Nays 0. The petition of James Harvey, a convict in the state prison praying to be discharged from confinement, was called up, read and the question put "Shall the said James Harvey be discharged from confinement?" which was determined in the affirmative with the following condition attached to it—that the said James Harvey leave the State of Vermont within thirty days and does not return within the same again—Yeas 9, Nays 0.

The House sent up the following for concurrence in the reference—the Petition of Edgcombe Prentiss, with an order of the House thereon that the same be referred to the Judiciary Committee—the petition of John Kilburn, with an order of the House thereon that the same be referred to the Committee on roads and canals, the petitions of Heman Allen and others, and of Benjamin Ormsbee and others, with an order of the House on each that the same be referred to the land tax Committee, the petition of Hylon Knapp, with an order of the House thereon that the same be referred to the Committee of Claims, the petition of Samuel Lockwood, with an order of the House thereon that the same be referred to the general Committee; whereupon Resolved to concur with the House in said several orders of reference.

The House sent up the following resolution for concurrence—"Re-

* Rev. Thomas Goodwillie was elected.

solved, the Gov. and Council concurring herein, that both houses meet in County Conventions on Monday next at 4 O'clock in the afternoon for the purpose of making nominations of County officers; and that they meet in Joint Committee in the representatives' room at the opening of the house on Tuesday morning next for the purpose of electing such officers," which was read; whereupon *Resolved* to concur with the House in passing this resolution. The House sent up the following resolution for concurrence, "Resolved, the Gov. and Council concurring herein, that both houses meet in the representatives' room at two O'clock on Wednesday morning next, for the purpose of electing Judges of the Supreme Court," which was read; whereupon *Resolved* to concur in passing this resolution. Ordered that the Sec^y inform the House of the concurrence of the Gov. and Council in the passage of the foregoing resolutions. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. and Council met pursuant to adjournment. His Excellency the Governor was pleased to appoint Daniel Kellogg Sec^y to the Gov. and Council for the year ensuing and the oath of office was administered to him by Mr. Langdon.

The petitions of David Porter, of George Stephens, of George Shephard, of Josiah Sims Jun^r, of John Stacy, of Hezekiah Shepard, of Eli Peck, of Joshua Underwood and of Edward Welch, convicts confined in state prison, were severally called up, read and on motion ordered to be dismissed. Adjourned to Monday next 9 O'clock A. M.

MONDAY October 15, 1827. 9 O'clock A. M.

The Governor and Council met pursuant to adjournment. Messrs. Thompson and Hopkinson appeared in the Council chamber, were qualified and took their seats in the Council. His Honor the Lieut. Gov. elect appeared in the Council, was qualified and took his seat.

The House sent up the following for concurrence in the reference—The petition of Jonathan Goss, with an order of the House thereon that the same be referred to a select committee of three to join from Council; whereupon *Resolved* to concur in said order of reference and Mr. Merrill is appointed from Council. "An act to incorporate the President, Directors and Company of the Bank of Bennington," with an order of the House thereon that the same be referred to a select committee of four to join from Council; whereupon *Resolved* to concur in said order of reference and Mr. Merrill is appointed from Council. The House sent up the following for concurrence in the reference—The petition of Stephen Marsh with an order of the House thereon that the same be referred to the committee on manufactures—The petition of Hiram B. Sumner and others, with an order of the House thereon that the same be referred to the committee of Insolvency—The petitions of Nahum Jennison and others, of James Eddy and others, with an order of the House on each that the same be referred to the Committee of Claims—"An act ascertaining the principles on which the list of this state shall be made, and directing lists in their office and duty"—"An act to provide for the establishment of county poorhouses"—with an order of the House on each that the same be referred to the general Committee—"An act to regulate the toll of one horse waggons on the West river bridge in Brattleboro"—"An act authorising Isaac Norton to erect wharves and storehouses on Lake Champlain at or near a place called Kenyon's Bay in Benson"—"An act granting to Oren Dickinson the privilege of erecting wharves and store houses in Lake Champlain at or near Stoney point in

Benson"—The petitions of Daniel Church and others, of Thomas Hammond and others, with an order of the House on each that the same be referred to the committee on roads and canals; whereupon Resolved to concur in the said several orders of reference. The House sent up the following for concurrence in the reference—"An act to revive a tax on Parker's Gore,"—"An act laying a tax of four cents on each acre of land in the town of Warren," the petitions of David Chadwick and others, of George W. Denison and others, of Thomas G. French, of Charles Church and others, of the Selectmen of Goshen, of Abner Doty and others, and "An act reviving an act laying a tax on the town of Newport," with an order of the House on each that the same be referred to the land tax Committee; whereupon Resolved to concur in said several orders of reference. The House sent up the following for concurrence in the reference—"An act in addition to the several acts relating to jails and jailers, and for the relief of persons imprisoned therein," "An act directing the manner of levying executions on the right of redeeming lands mortgaged," "An act to preserve fish in Minard's pond," "An act repealing an act therein mentioned," with an order of the House on each that the same be referred to the Judiciary Committee; whereupon Resolved to concur in said several orders of reference. The House sent up the following for concurrence in the reference—The petition of the 2^d light infantry Company in the sixth Regiment first Brigade and fourth division, to be annexed to the 3^d Regiment in the first Brigade and fourth division—The petition of the Washington Artillery—and "An act in addition to an act entitled an act regulating and governing the militia of this State," with an order of the House on each that the same be referred to the military Committee; whereupon Resolved to concur in said several orders of reference.

The House sent up the following resolution for concurrence—"Resolved, as the sense of this legislature, that it is inexpedient to countenance the election of any person to office whose solicitude therefor, in the opinion of this House, may have induced his personal attendance on the legislature, for the purpose of seeking or securing his election," which was read and referred to the General Committee. The House sent up the following resolution for concurrence—"Resolved, the Governor and Council concurring herein, that the committee on roads and canals be instructed to enquire whether any and what alterations ought to be made in an act reducing into one the several acts for laying out, making, clearing and repairing highways and the acts in addition thereto; and report by bill or otherwise," which was read; whereupon Resolved to concur in passing this resolution. The House sent up the following resolution for concurrence—"Resolved, the Governor and Council concurring herein, that the Judiciary Committee be instructed to enquire into the propriety of providing by law for the attaching betterments made by lessees of public lands, or whether by law they are or ought to be attachable; and report by bill or otherwise," which was read; whereupon Resolved to concur in passing this resolution.

The House sent up the following for concurrence in the reference—"A bill to revive an act laying out a road from Randolph west village to Hancock," with an order of the House thereon that the same be referred to the committee on roads and canals; whereupon Resolved to concur in said order of reference.

The House sent up the following resolutions for concurrence—"Resolved, the Governor and Council concurring herein, that so much of His Excellency's communication as relates to the quota of United States arms be referred to the Military Committee;" whereupon Resolved to concur in passing this resolution. "Resolved, the Governor and Coun-

cil concurring herein, that so much of his excellency's communication as relates to education and common schools be referred to the committee on education;" whereupon resolved to concur in passing this resolution. "Resolved that so much of his excellency's communication as relates to imprisonment for debt be referred to the Judiciary Committee;" whereupon Resolved to concur in passing this resolution.

The petition of William Twombly, for pardon, was called up, read and the question put "Shall the said William Twombly be discharged from confinement?" which was determined in the affirmative—Yeas 11, Nays 0. The petition of Ebenezer Chamberlin, for pardon, was called up, read and the question put "Shall the said Ebenezer Chamberlin be discharged from confinement?" which was determined in the affirmative—Yeas 9, Nays 2.

A written message was received from the House informing the Gov. and Council that agreeably to the rules of the House they have appointed the following Standing Committees, in which they desire the Gov. and Council to join, to wit—A committee of 4 denominated the committee of Ways & means—a committee of 4 denominated the Military committee—A committee of 4 denominated the Judiciary committee—A committee of 4 denominated the Committee of claims—A committee of 4 denominated the Committee on roads and canals—A committee of four denominated the committee of Insolvency—A committee of 4 denominated the committee on Manufactures—A committee of 4 denominated the committee on agriculture—A committee of 4 denominated the land tax Committee—A committee of 4 denominated the committee of New trials—A committee of 4 denominated the committee on education—A committee of 13 denominated the General Committee. Whereupon Resolved to concur in the appointment of said Committees and Mr. Wetmore is appointed on the committee of ways and means—Mr. Thompson is appointed on the Judiciary committee—Mr. Crafts is appointed on the committee of claims—Mr. Langdon is appointed on the committee on roads and canals—Mr. Holley is appointed on the committee of insolvency—Mr. Roberts is appointed on the committee of Manufactures—Mr. Hopkinson is appointed on the committee on agriculture—Mr. Deming is appointed on the committee on Land taxes—Mr. Merrill is appointed on the committee of New trials—Mr. Worthington is appointed on the general committee—Mr. Pierpoint is appointed on the committee on education—Mr. Fitch is appointed on the military committee. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Council met pursuant to adjournment, His Honor the Lieut. Gov. in the chair. The petition of sundry persons in behalf of Aden Johnson, a prisoner confined in the county jail in the County of Grand Isle, praying for the remission of a certain fine and cost, was called up, read and the question put "Shall the prayer of said petition be granted?" which was determined in the affirmative—Yeas 11, Nays 0.

On motion of Mr. Pierpoint, the several bills which were suspended by the Gov. and Council at their last session, were called up, read, and laid upon the table. Adjourned to 9 O'clock to morrow morning.

TUESDAY Oct. 16, 1827. 9 O'clock A. M.

The Council met pursuant to adjournment, His Honor the Lieut. Gov. in the chair. The petition of D. A. Boulton, a convict in the state prison, was called [up,] read and ordered to be dismissed.

The House sent up the following for concurrence in the reference—The petition of the Select men of Hydepark, with an order of the House thereon that the same be referred to the committee raised on the petition of the town of Woolcott; whereupon resolved to concur in said order of reference. Also the petition of John Emerson and others, with an order of the House thereon that the same be referred to the committee raised on the petition of Jonathan Houghton and others; whereupon Resolved to concur in said order of reference. Also the petition of Susannah Collins, with an order of the House thereon that the same be referred to the committee raised on the petition of Elos Ray and James A. Gilbert. The petition of the Selectmen of Morristown, with an order of the House thereon that the same be referred to the committee raised on the petition of the town of Woolcott. The petition of Noah Peck & others, and the Remonstrance of Henry Hodges & others, with an order of the House on each that the same be referred to the committee raised on the petition of Joseph Collins; whereupon Resolved to concur in the aforesaid several orders of reference.

The House sent up the following for concurrence in the reference—The account of the Warden of the state prison, the Report of the Superintendent of the state prison, — The Report of the committee appointed to examine the state prison, with an order of the House on each that the same be referred to the committee of Ways and means; whereupon Resolved to concur in said orders of reference. The petition of Reuben Ellis, of John Pulsipher and others, and "An act repealing an act therein mentioned," with an order of the House on each that the same be referred to the Military Committee; whereupon Resolved to concur in said orders of reference. The petition of Jairus Stebbins and others, of John Robinson, of the Selectmen of Newark, of Joel Bassett and others, of the Selectmen of Burke, of the Selectmen of Salem, of the Selectmen of Eden, of William Colby and others, of Isaac Dickerman, and "An act laying a tax of four cents on each acre of land in the town of Canaan," with an order of the House on each that the same be referred to the land tax committee; whereupon Resolved to concur in said several orders of reference. The petition of the inhabitants of Dover, with an order of the House thereon that the same be referred to the committee on roads and canals; whereupon resolved to concur in said order of reference. Also the petition of Abijah Wright, with an order of the House thereon that the same be referred to the Committee of Ways and Means; whereupon resolved to concur in said order of reference.

The House sent up the following for concurrence in the reference — The petitions of Lucinda Hinsdell, of Mary Wait, "An act regulating the mode of administering oaths in certain cases therein mentioned," "An act giving validity to consular certificates within this state," with an order of the House on each that the same be referred to the Judiciary Committee; whereupon Resolved to concur in said several orders of reference. Also "An act directing the Treasurer to pay Stephen Haight the sum therein mentioned," "An act directing the Treasurer to pay Calvin Hugh the sum therein mentioned," and the petition of Erastus Montague, with an order of the House on each that the same be referred to the Committee of Claims; whereupon Resolved to concur in said several orders of reference. Also "An act to incorporate the Vermont mutual fire insurance company," with an order of the House thereon that the same be referred to a select committee of four to join; whereupon resolved to concur in said order of reference. Also "An act to repeal an act therein mentioned," and the Remonstrance of the Inhabitants of Concord, with an order of the House thereon that the same be referred to the members of the House from Caledonia and Essex Coun-

ties to join ; whereupon resolved to concur in said orders of reference and Messrs. Deming and Hopkinson are appointed from Council. Also The petitions of the Selectmen of Eden, of the Selectmen of Belvidere, with an order of the House on each that the same be referred to the committee raised on the petition of the town of Woolcott, whereupon resolved to concur in said orders of reference.

On motion of Mr. Merrill, the suspended bills were called up, to wit—“An act to prevent putting the bodies or carcasses of dead animals into White river and its tributary streams,” and “An act in addition to an act constituting the Supreme Court of Judicature and County Courts, defining their powers and regulating judicial proceedings,” which were read and referred to the Judiciary Committee and sent to the House for their concurrence. Also “An act directing the Treasurer to pay Tappan Stevens the sum therein mentioned,” which was read and referred to the Committee of Claims and sent to the House for their concurrence in the reference.

The petition of Hiram White, a convict in the state prison, was called up, read and on motion ordered to be dismissed.

The House sent up the following resolutions for concurrence—“Resolved, the Gov. & Council concurring herein, that the General Committee be instructed to enquire into the expediency of providing by law that the several towns in this state may at their march meetings, or at meetings warned for that purpose, make such bye laws respecting the taking of fish as they may think proper, and to report by bill or otherwise,” which was read; whereupon Resolved to concur in passing this resolution. “Resolved, the Gov. & Council concurring herein, that the General Committee be instructed to enquire into the expediency of so modifying the appointments of Justices of the peace in the several towns of this state, so that there shall be no more than seven in any one town; and if the population of any town does not exceed two thousand, there shall be no more than six; and if the population of any town does not exceed fifteen hundred, there shall be no more than five; and if the population of any town does not exceed one hundred, there shall be no more than four Justices appointed; and that said committee have leave to report by bill or otherwise,” which was read; whereupon Resolved to concur in passing this resolution. “Resolved, the Gov. & Council concurring herein, that the General Committee be instructed to enquire into the propriety of passing an act giving a bounty for the destruction of bears within this state; and of so altering or amending the act for the destruction of wolves and panthers that the bounty for killing each wolf or panther shall be ten dollars instead of twenty dollars as is now provided by law,” which was read; whereupon Resolved to concur in passing this resolution.

The House sent up the following for concurrence in the reference—“An act to incorporate the President, Directors and Company of the Bank of Orange County,” with an order of the House thereon that the same be referred to the committee raised on the bill entitled “An act to incorporate the President, Directors and Company of the Bank of Bennington,” whereupon Resolved to concur in said order of reference. “An act authorizing Nehemiah W. Kingham [Kingman] to build a wharf in St. Albans bay in the town of St. Albans,” with an order of the House thereon that the same be referred to the committee on Roads and Canals; whereupon Resolved to concur in said order of reference. Also “An act authorizing the Proprietors of Piermont bridge to erect a toll gate in this state,” with an order of the House thereon that the same be referred to the committee on Roads and Canals, which order was concurred in by the Council.

The House sent up the following for concurrence in the reference—The petition of Joseph Collins & others, with an order of the House thereon that the same be referred to a select committee of three to join from Council and Mr. Worthington is appointed from Council. The petition of Elos Ray and James A. Gillet, with an order of the House thereon that the same be referred to a select committee of three to join; whereupon Resolved to concur in said order of reference and Mr. Langdon is appointed from Council. The petition of Joseph Ricker and others, with an order of the House thereon that the same be referred to a select committee of three to join; whereupon Resolved to concur in said order of reference and Mr. Thompson is appointed from Council. The petition of Jonathan Houghton and others, with an order of the House thereon that the same be referred to a select committee of two to join; whereupon Resolved to concur in said order of reference and Mr. Roberts is appointed from Council. The petition of the Selectmen of Woolcott, with an order of the House thereon that the same be referred to a select committee of three to join; whereupon Resolved to concur in said order of reference and Mr. Holley is appointed from Council. "An act to incorporate the Vermont mutual fire insurance Company," with an order of the House thereon that the same be referred to a select committee of four to join; whereupon Resolved to concur in said order of reference and Mr. Deming is appointed from Council. "Resolved, the Governor and Council concurring herein, that so much of his excellency's communication as relates to lotteries be referred to a committee of four members from this House to join from Council;" whereupon Resolved to concur in passing this resolution and Mr. Wetmore is appointed from Council. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment. The House sent up the following for concurrence in the reference—The petition of Joseph A. Gallup and associates, with an order of the House thereon that the same be referred to a select committee of four to join; whereupon Resolved to concur in said order of reference and Mr. Hopkinson is appointed from Council.

The petition of John Morrison, a convict confined in the state's prison, was called up, read and the question put "Shall the said John Morrison be discharged from confinement?" which was determined in the affirmative upon condition that the said John Morrison leaves the state of Vermont within thirty days and does not again return—Yeas 10, Nays 1. The petition of John A. Carpenter for pardon, was called up, read and on motion ordered to be dismissed. The petition of Julia Burnham, a convict confined in the state's prison, was called up, read and the question put "Shall the said Julia Burnham be discharged from confinement" which was determined in the affirmative—Yeas 6, Nays 5. Those who voted in the affirmative are Messrs. Holley, Hopkinson, Langdon, Merrill, Roberts and Wetmore. Those who voted in the negative are Messrs. Deming, Fitch, Pierpoint, Thompson and Worthington. Adj^d to 9 O'clock to morrow morning.

WEDNESDAY Oct. 17, 1827. 9 O'clock A. M.

The Gov. and Council met pursuant to adjournment. His Excellency the Gov. was pleased to appoint His Honor the Lieut. Governor upon the Committee of Claims for the time being, until Mr. Crafts should arrive and take his seat in the Council.

The House sent up the following for concurrence in the reference—"An act entitled an act establishing a bank at Manchester," with an

order of the House thereon that the same be referred to the committee raised on the petition of Richard Skinner and others; whereupon Resolved to concur in said order of reference.

The House sent up the following resolution for concurrence, "Resolved, the Gov. & Council concurring herein, that both houses meet in the Representatives' room on Wednesday next at ten O'clock in the forenoon, for the purpose of electing a person to preach the next election sermon, and also to elect a Surveyor General for the state and an auditor of accounts against the state for the year ensuing," which was read; whereupon Resolved to concur in passing this resolution. Ordered that the Sec^y inform the House of the same.

The House sent up the following for concurrence in the reference—The petition of Elisha Bingham with an order of the House thereon that the same be referred to a select committee of two to join; whereupon Resolved to concur in said order of reference and Mr. Langdon is appointed from Council. The petition of Richard Skinner & others with an order of the House thereon that the same be referred to a select committee of three to join; whereupon Resolved to concur in said order of reference and the Lieut. Gov. is appointed from Council. The petition of Carlo C. Carroll, with an order of the House thereon that the same be referred to the Committee raised on the petition of Joseph A. Gallup and associates; whereupon Resolved [to] concur in said order of reference. The petition of George W. Hammond & others, with an order of the House thereon that the same be referred to the committee on the petition of Joseph A. Gallup and associates. The petition of Luther Chany and others with an order of the House thereon that the same be referred to the committee on the petition of Elos Ray and James A. Gillett; whereupon Resolved to concur in said several orders of reference. The petition of Joseph D. Farnsworth, "An act to abolish imprisonment for debt" and "An act to repeal part of an act therein mentioned," with an order of the House on each that the same be referred to the Judiciary Committee; whereupon Resolved to concur in said several orders of reference. The petition of Austin Johnson, and of Artemas W. Densmore and others, with an order of the House on each that the same be referred to the Military Committee; whereupon Resolved to concur in said several orders of reference. "An act directing the Treasurer to pay Oliver Farrar the sum therein mentioned," and the petition of Joseph Weeks, with an order of the House on each that the same be referred to the committee of Ways and means; whereupon resolved to concur in said several orders of reference. The petition of Asa Brown and others, of the Selectmen of Hardwick, of Otis Leeland and others, of the Selectmen of Topsham, of the Selectmen of Fayston, of Charles Sampson and others, of Ellis Cobb, "An act laying a tax of two cents on each acre of land in the town of Norton, Warren's Gore, Avery's Gore and Warner's Gore" [Warren's Grant,] with an order of the House on each that the same be referred to the Land tax Committee; whereupon Resolved to concur in said several orders of reference. The account of Walter Palmer, the account of Ebenezer Clements, the account of Henry Smith, the account of Thomas Southgate, and the account of Theodore Phelps, with an order of the House on each that the same be referred to the committee of claims; whereupon Resolved to concur in said several orders of reference.

The House sent up the following resolution for concurrence—"Resolved, the Governor and Council concurring herein, that His excellency the Governor be requested to appoint thursday the sixth day of December next to be observed as a day of public thanksgiving throughout this state," which was read; whereupon Resolved to concur in passing this

resolution. "Resolved, the Governor and Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of authorising town Clerks to take acknowledgements of deeds; and that said Committee have leave to report by bill or otherwise." [Concurrence not entered on the journal.] The House sent up the following resolution for concurrence, "Resolved, the Governor and Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of so altering the law or passing an act empowering the commissioners in the settlement of estates to administer the necessary oaths to parties and witnesses," which was read; whereupon Resolved to concur in passing this resolution. "Resolved, the Gov. & Council concurring herein, that the Judiciary Committee be directed to enquire into the expediency of so altering the law as that collectors of state taxes shall pay the same to the State Treasurer on or before the fifteenth day of October annually; and report by bill or otherwise," which was read; whereupon Resolved to concur in passing this resolution. "Resolved, the Gov. & Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of passing a law requiring notice to be given to the adverse party in all cases of depositions taken to be used in civil causes in any court in this state; and report by bill or otherwise," which was read; whereupon Resolved to concur in passing this resolution. "Resolved, the Governor and Council concurring herein, that the Military Committee be directed to enquire into the expediency of repealing the sixth section of an act entitled 'An act in amendment to an act entitled an act regulating and governing the militia of this state passed Nov. 16, 1819,'" which was read; whereupon Resolved to concur in passing this resolution. "Resolved, that the Committee on education be instructed to enquire what alterations, if any, are necessary in the several laws relating to common schools within this state; and report by bill or otherwise," which was read; whereupon Resolved to concur in passing this resolution. "Resolved, that the Judiciary committee be directed to enquire into the expediency of so regulating appeals and reviews as to prevent delay in undisputed cases," which was read; whereupon Resolved to concur in passing this resolution. "Resolved, that the committee on roads and canals be directed to enquire into the expediency of providing by law a board of road commissioners in each county," which was read, whereupon resolved to concur in passing this resolution.

The Gov. & Council attended in the representatives' room, when the two houses in joint committee made choice of Judges of the Supreme Court, a person to preach the next election sermon, an auditor of accounts against the state, and a Surveyor General, and returned to their chamber.¹ Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M. — The Gov. & Council met pursuant to adjournment. Adjourned to 9 O'clock to morrow morning.

THURSDAY October 18, 1827. 9 O'clock A. M.

The Governor and Council met pursuant to adjournment. The House sent up the following for concurrence in the reference—"An act direct-

¹ The following elections were made: Richard Skinner, Samuel Prentiss, Titus Hutchinson, and Stephen Royce jr. Judges; Rev. Jonathan Woodman to preach the then next election sermon, and Rev. James Marsh alternate; Calvin C. Waller Surveyor General; and David Pierce Auditor.

ing the Treasurer to pay the several sums therein mentioned," with an order of the House thereon that the same be referred to the Committee of Claims—"An act appropriating the sum therein mentioned to defray the expenses of the Council of Censors," with an order of the House thereon that the same be referred to the Committee of Ways and means; whereupon Resolved to concur in said several orders of reference. Also "An act to incorporate the College of Physicians and Surgeons of the University of Vermont and for other purposes," with an order of the House thereon that the same be referred to a select committee of four to join; whereupon Resolved to concur in said order of reference and Mr. Thompson is appointed from Council. Also The petition of Betsy Meeder, with an order of the House thereon that the same be referred to a committee of two to join; whereupon Resolved to concur in said order of reference and Mr. Worthington is appointed from Council. Also The petition of Samuel E. Chalker and others, with an order of the House thereon that the same be referred to a committee of three to join; whereupon Resolved to concur in said order of reference and Mr. Roberts is appointed from Council.

The House sent up the following resolution for concurrence: "Resolved, that such towns as have neglected to produce their respective list, containing an appraisal of the real estate, together with all such assessments as have been made in their respective towns, with the names of all persons by them assessed and annexed in alphabetical order, agreeably to the twelfth section of an act passed Nov. 17, 1826, ascertaining the principles on which the list of this State shall be made, and directing listers in their office and duty, be doomed in such sum as justice requires," which was read and referred to the General Committee.

The petition of P. P. Gee, for pardon, was called up, read and on motion ordered to be dismissed. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment. The House sent up the following resolution for concurrence to wit, "Resolved, the Governor and Council concurring herein, that both houses meet in Joint Committee in the representatives' room on the nineteenth of October instant at ten o'clock in the forenoon, to elect a Major General of the first division of the militia of this state, and to fill such vacancies as may be occasioned by the election of said Major General," which was read; whereupon an amendment was proposed to the same, which was read and adopted; and thereupon Resolved to concur with the House in passing this resolution with said proposal of amendment and Mr. Roberts is appointed to assign reasons to the house.

The Petition of Salmon Whitlock, for pardon, was called up, read and on motion, dismissed. On motion of Mr. Holley, voted to reconsider the vote dismissing the petition of Allen Haywood, and the question being put "Shall the said Allen Haywood be discharged from confinement?" which was determined in the affirmative—Yeas 7, Nays 5. The petition of Isaac D. Frost, for pardon, was called [up,] read and the question put "Shall the said Isaac D. Frost be discharged from confinement?" which was determined in the affirmative—Yeas 12, Nays 0. Adjourned to 9 O'clock to morrow morning.

FRIDAY October 19, 1827. 9 O'clock A. M.

The Gov. and Council met pursuant to adjournment. The House sent up the following for concurrence in the reference—"An act to incorporate certain persons therein named by the name of the Champlain glass Company—An act repealing an act therein mentioned—An act in

addition to an act entitled an act in addition to an act entitled an act constituting the Supreme Court of Judicature and County Courts, defining their powers and regulating judicial proceedings—The report of the Committee relative to commissioners administering oaths—with an order of the House on each that the same be referred to the Judiciary Committee. The House sent up the following for concurrence in the reference to wit—The petition of Robert Willson and others, of Joshua Judson and others, of William G. Page and others, of the officers of artillery in the 2^d Brigade and first division, with an order of the House on each that the same be referred to the military committee; whereupon Resolved to concur in said several orders of reference. Also the petition of Benjamin Rolfe and others, of William Lewis and others, of Charles Shedd and others, with an order of the House on each that the same be referred to the committee raised on the petition of Joseph Collins and others; whereupon Resolved to concur in said several orders of reference. Also the petition of William Slade, and the account of John Dodge against the state, with an order of the House on each that the same be referred to the committee of claims; whereupon resolved to concur in said several orders of reference. Also the petition of the Selectmen of Greensboro, of Moses Strong and others, of the Selectmen of Moretown, with an order of the House thereon that the same be referred to the Land tax committee; whereupon Resolved to concur in said several orders of reference. Also the petition of the inhabitants of Brookfield and others, of the Selectmen of Stratton, of Joel Doolittle 2^d & others, of the Selectmen of Jamaica, of Jireh Durkee, An act authorizing the widow and heirs of Nathaniel M. Torrey to erect a wharf and store house, An act in addition to an act entitled an act reducing into one the several acts for laying out, making, repairing and clearing highways, with an order of the House on each that the same be referred to the committee on roads and canals; whereupon Resolved to concur in said several orders of reference. Also The petition of Albee Davison, of the inhabitants of Middlesex, of Hugh Gammell, of Samuel Morrison, of the Selectmen of Sherburne, with an order of the House on each that the same be referred to the committee of ways and means; whereupon resolved to concur in said several orders of reference. Also An act in addition to an act to restrain swine from going at large, with an order of the House thereon that the same be referred to the General Committee; whereupon Resolved to concur in said order of reference.

The House sent up the following resolution for concurrence — “Resolved, the Gov. and Council concurring herein, that the committee on roads and canals be instructed to enquire into the expediency of authorizing the several County Courts in this state, on the refusal of the selectmen of any town, to lay out and establish private or pent roads, and that said committee have leave to report by bill or otherwise,” which was read; whereupon Resolved to concur in passing this resolution. Also the following — “Resolved, the Gov. & Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of providing by law for the taking of depositions to be used in the courts in this state when the Deponent lives without the state and less than thirty miles from the [place] of trial,” which was read; whereupon resolved to concur in passing this resolution. The House sent up the following resolution for concurrence — “Resolved that the General Committee be instructed to enquire what amount of money has been paid to the reporter of the decisions of the Supreme Court since that office was created, and whether his services are of sufficient importance to the people of this state to warrant any further expenditure, and report by bill or otherwise,” which was read; whereupon resolved to concur in

said resolution. The House sent up the following resolution for concurrence—"Resolved that the Judiciary committee be instructed to enquire into the expediency of passing a law regulating the mode of taking testimony in cases of contested elections of members returned to the General Assembly, and report by bill or otherwise," which was read; whereupon resolved to concur in passing this resolution. Also The petition of Harvey Otikirke and Elisha Taft, with an order of the House thereon that the same be referred to the committee raised on the petition of Samuel Wiswall Jr. whereupon Resolved to concur in said order of reference.

A communication was rec^d from the House informing that the House had concurred in the amendment proposed by the Gov. and Council to the joint resolution relating to the appointment of a Major General in the first division.

The petitions of John Stanley, of P. J. C. Johnson, of Calvin Mellen, of Charles Baker, of E. Barnes, of Stephen Coats, convicts confined in the State prison, were severally taken up, read, and on motion ordered to be dismissed. The petition of William Longley, a convict in the State prison, was taken up, read and the question put "Shall the said William Longley be discharged from confinement?" which was determined in the affirmative—Yeas 11, Nays 0. Adjourned to 2 Oclock P. M.

2 OCLOCK P. M.—The Gov. and Council met pursuant to adjournment. The petition of Manna Case, praying for a pardon, was taken up, read, and the question put "Shall a pardon be granted to the said Manna Case?" which was determined in the affirmative—Yeas 11, Nays 0.

The House sent up the following resolution for concurrence—"Resolved, the Gov. & Council concurring herein, that both houses meet in the representatives' room on Saturday next at ten Oclock in the fore noon to elect a Superintendant of the State prison," which was read; whereupon resolved to concur in passing this resolution.

The petition of Simeon Fisk, of D. Fowler, of Thomas Gilbert, of Reuben T. Hathaway, of J. H. Harvey, of John Jenness, of Adonijah Hewett, convicts in the state prison, were severally taken up, read and on motion ordered to be dismissed. The petition of B. Dow, a convict in the state's prison, was taken up, read and the question put "Shall the said B. Dow be discharged from confinement?" which was determined in the affirmative—Yeas 11, Nays 0. The petition of S. Dibble, praying to be discharged from confinement, was taken up, read and the question put "Shall the said S. Dibble be discharged from confinement?" which was determined in the affirmative—Yeas 11, Nays 0. The petition of Homer Challis, praying to be discharged from confinement, was called up and the question put "Shall the said Homer Challis be discharged from confinement?" which was determined in the affirmative—Yeas 11, Nays 0. The petition of Elijah Kazer, praying to be discharged from confinement, was called up, read and the question put "Shall the said Elijah Kazer be discharged from confinement?" which was determined in the affirmative—Yeas 11, Nays 0. Adjourned to 9 Oclock to morrow morning.

SATURDAY Oct. 20, 1827. 9 Oclock A. M.

The Gov. and Council met pursuant to adjournment. The House sent up the following for concurrence in the reference—The petition of Samuel Wiswall Jr. with an order of the House thereon that the same be referred to a select committee of two to join; whereupon resolved to con-

cur in said order of reference and Mr. Pierpoint is appointed from Council. The petition of the town of Holland, with an order of the House thereon that the same be referred to a committee of two to join; whereupon resolved to concur in said order of reference and Mr. Holley is appointed from Council. His excellency's communication and resolutions from the states of Georgia, Connecticut, Maine, Alabama and Ohio, with an order of the House thereon that the same be referred to a select committee of four to join; whereupon resolved to concur in said order of reference and Mr. Merrill is appointed from Council.

The House sent up the following for concurrence in the reference—An act annexing a part of the town of Fairfield to the town of St. Albans and a part of the town of St. Albans to the town of Fairfield—An act explanatory of the second section of an act entitled an act ascertaining the principles on which the list of this state shall be made and directing listers in their office and duty—An act in addition to an act directing the mode of obtaining licences and regulating Inns and houses of public entertainment—An act in addition to and alteration of an act entitled an act in addition to an act entitled an act to enforce the due observation of the Sabbath, passed Nov. 5, 1819—An act to authorize the sale of certain real estate of Asa Patchen, late of Haverhill in the County of Grafton and state of New Hampshire, Esq. deceased—An act relating to the settlement of the accounts of the County Treasurers, with an order of the House on each that the same be referred to the Judiciary Committee; whereupon resolved to concur in said several orders of reference—An act in addition to an act entitled an act regulating town meetings and the duty and choice of town officers, passed Feb'y 28, 1797—An act in addition to an act for the Support of Schools, with an order of the House on each that the same be referred to the General Committee; whereupon resolved to concur in said several orders of reference.—An act directing the Treasurer of this State to pay Thomas Burnside the sum therein mentioned—An act directing the Treasurer to pay Benjamin F. Haskell the sum therein mentioned, with an order of the House on each that the same be referred to the committee of claims; whereupon resolved to concur in said orders of reference. An act in amendment of an act therein mentioned, with an order of the House thereon that the same be referred to the Military committee; whereupon resolved to concur in said order of reference. The petition of Samuel Arnold and others, and an act relating to the 2^d. West river bridge Company, with an order of the house on each that the same be referred to the committee on roads and canals; whereupon resolved to concur in said orders of reference. The petition of the President and managers of the Vermont Colonization Society—An act incorporating the Gneiss bottom manufacturing Company, with an order of the House thereon that the same be referred to the committee of ways and means; whereupon resolved to concur in said orders of reference. An act laying a tax of three cents on each acre of land in the town of Guildhall, with an order of the House thereon that the same be referred to the land tax committee; whereupon resolved to concur in said order of reference.

The House sent up the following resolution for concurrence—"Resolved, the Gov. and Council concurring herein, that the General Committee be instructed to enquire into the expediency of reporting a bill to this house, the effect of which shall be, that all wild lands in this state shall be taxed for the payment of taxes of every description; and report by bill or otherwise," which was read; whereupon Resolved to concur in passing this resolution. Also Resolved, the Gov. & Council concurring herein, that the Judiciary committee be instructed to enquire into the expediency of fixing by law the distance from any religious

meeting within which ardent spirits may be sold; and report by bill or otherwise—which was read; whereupon resolved to concur in passing this resolution. Also Resolved, the Gov. and Council concurring herein, that the Judiciary committee be instructed to enquire into the expediency of passing a law empowering the Supreme Court to cause issues of fact to be tried by a jury in cases of appeal from Probate Court allowing administrators' accounts—which was read; whereupon resolved to concur in passing this resolution. Also Resolved, the Gov. & Council concurring herein, that the Committee on New trials be directed to enquire into the expediency of repealing an act in addition to an act relative to petitions preferred to the General Assembly, passed Oct. 28, 1823—which was read; whereupon resolved to concur in passing this resolution.

The petitions of Erastus Little, of John Kennedy, of Daniel Palmer, convicts in the state prison, were severally taken up, read and on motion ordered to be dismissed. The petition of William Connell, a prisoner in the state prison, was taken up, read and the question put "Shall the said William Connell be discharged from confinement?" which was determined in the affirmative—Yeas 11, Nays 1. The petition of Betsy Meeder, a prisoner confined in the County Jail at Danville, praying to be discharged from confinement, was called [up,] read and the question put "Shall the said Betsey Meeder be discharged from confinement?" which was determined in the affirmative—Yeas 9, Nays 3. Those who voted in the affirmative are Messrs. Deming, Fitch, Holley, Hopkinson, Merrill, Pierpoint, Roberts, Wetmore, Worthington. Those who voted in the negative are Messrs. Olin, Langdon, Thompson. Adjourned to 2 O'clock P. M.¹

2 O'CLOCK P. M. — The Gov. and Council met pursuant to adjournment. Adjourned to 9 O'clock Monday morning.

MONDAY Oct. 22, 1827. 9 O'clock A. M.

The Gov. & Council met pursuant to adjournment. M^r Crafts appeared.

The House sent up the following for concurrence in the reference—Report of committee appointed to inspect the several banks in this state, with an order of the House thereon that the same be referred to a committee of four to join; whereupon Resolved to concur in said order of reference and M^r Deming is appointed from Council. The House sent up the following resolution for concurrence—Resolved, the Gov. and Council concurring herein, that the report of the commissioners for the relief of the deaf and dumb, with the accompanying documents, be referred to a select committee of four to join from Council with instruction to report what farther, if any, legislative enactments are necessary to carry into effect the benevolent objects of the acts passed for the benefit of the deaf and dumb in the years 1825 & 1826, which was read and referred by the House to said committee; whereupon resolved to concur in passing this resolution and M^r Crafts is appointed from Council.

The House sent up the following for concurrence in the reference—An act altering the name of Parkerstown to that of Mendon, with an order of the House thereon that the same be referred to a select com-

¹ John H. Cotton was elected Superintendent of the State Prison, of which no note is made on the Council Journal.

mittee of two to join; whereupon Resolved to concur in said order of reference and Mr. Pierpoint is appointed from Council. An act directing the Treasurer of this state to pay Harvey Deming and Aaron Barrows the sum therein mentioned—The petition of Hiram Bromly, with an order of the House on each that the same be referred to the Committee of Claims; whereupon Resolved to concur in said several orders of reference. Also the Report of the auditor in the Treasury department, with an order of the House thereon that the same be referred to the Committee of Ways and Means; whereupon resolved to concur in said order of reference. An act concerning the acknowledgment of deeds—An act repealing an act therein mentioned, with an order of the House on each that the same be referred to the Judiciary Committee; whereupon resolved to concur in said orders of reference. An act authorising the erection of wharfs and store houses in Lake Champlain—An act in addition to an act entitled an act to incorporate the Sand bar bridge Company, with an order of the House on each that the same be referred to the Committee on roads and canals; whereupon resolved to concur in said orders of reference.

The House sent up the following resolution for concurrence, "Resolved, the Gov. & Council concurring herein, that the Committee of Ways and means be instructed to report a bill making compensation to the Superintendent of the Vermont State prison for the year ending December 1, 1827," which was read; whereupon Resolved to concur in passing this resolution. "Resolved, that the military committee be directed to enquire into the expediency of receiving pieces of ordnance and their apparatus in lieu in part of this State's quota of United State's arms," which was read; whereupon resolved to concur in passing this resolution. "Resolved that the Committee of Ways and means be instructed to enquire into the justice of remitting a part of the debt due, from Daniel and Levi Goss, to the state, and report by bill or otherwise," which was read; whereupon resolved to concur in passing this resolution. Also "An act directing [the Treasurer to pay] David Morse the sum therein mentioned" with an order of the House thereon that the same be referred to the Committee of Claims; whereupon resolved to concur in said order of reference. Adjourned to 2 Oclock P. M.

2 OCLOCK P. M.—The Gov. & Council met pursuant to adjournment. On motion, Mr. Wetmore was excused from serving on the committee of ways and means, and his Honor the Lieut. Governor was appointed in his place.

The petition of Catherine Pitts, a convict in the state's prison, was taken up, read and the question put "Shall the said Catherine Pitts be discharged from confinement?" which was determined in the affirmative—Yeas 12, Nays 0. The petition of Patrick Patten was taken up, read, and the question put "Shall the said Patrick Patten be discharged from confinement?" which was determined in the affirmative with the following condition annexed to it, that the said Patrick Patten shall leave the State of Vermont within twenty days and not return within the same—Yeas 12, Nays 0. The petition of Samuel Phillips, a convict in the state of Vermont prison, was taken up, read and the question put "Shall the said Samuel Phillips be discharged from confinement?" which was determined in the affirmative, upon condition that he depart from the state within twenty days—Yeas 12, Nays 0. The petitions of Silas Plumley, of James Weston, of Amherst Willes, convicts in the state's prison, were severally taken up, read [and] on motion ordered to be dismissed. Adjourned to 9 Oclock to morrow morning.¹

¹ Mills May was elected Maj. General of the first Division, of which no note was made on the Council Journal.

TUESDAY October 23, 1827. 9 O'clock A. M.

The Governor and Council met pursuant to adjournment. The House sent up the following for concurrence in the reference—An act in addition to an act entitled an act directing the levying and serving executions—An act authorising constables of the several towns adjoining the waters of Lake Champlain to serve process beyond the charter limits of their respective towns—with an order of the House on each that the same be referred to the Judiciary committee; whereupon Resolved to concur in said orders of reference. Also An act in addition to the several acts for making and laying out highways—with an order of the House thereon that the same be referred to the committee on roads and canals; whereupon Resolved to concur in said order of reference. Also An act to preserve the fish in the waters of Bristol, with an order of the House thereon that the same be referred to the committee raised on the petition of Jonathan Houghton and others; whereupon resolved to concur in said order of reference. Also An act repealing part of an act therein mentioned, with an order of the House thereon that the same be referred to the General Committee; whereupon resolved to concur in said order of reference. Also An act directing the Treasurer to pay Benjamin Blaney Sargent the sum therein mentioned; The account of John Dodge; The petition of John Killburne, with an order of the House on each that the same be referred to the committee of claims; whereupon resolved to concur in said several orders of reference.

The House sent up the following resolution for concurrence—"Resolved, the Governor and Council concurring herein, that the Judiciary committee be instructed to enquire into the expediency of altering the law [so as] that personal property attached on debts hereafter contracted shall be appraised to the creditor if demanded by the debtor," which was read; whereupon resolved to concur in passing this resolution. "Resolved, the Gov. & Council concurring herein, that the military committee be instructed to enquire into the expediency of so altering the militia law as to remove any uncertainties in reference to the construction of the 7th section of an act for regulating and governing the militia of this state, passed 16. Nov. 1821," which was read; whereupon Resolved to concur in passing this resolution. "Resolved, the Gov. & Council concurring herein, that the Judiciary Committee be directed to enquire into the expediency of providing by law that bail, who may deliver up their principal in a Justice Court, shall procure the attendance of a proper officer to take charge of the principal," which was read; whereupon resolved to concur in passing this resolution. "Resolved, the Gov. & Council concurring herein, that the General Committee be directed to enquire into the expediency of passing a law empowering the several towns in this state to enact their own bye laws on the subject of horned cattle running at large; and report by bill or otherwise," which was read; whereupon resolved to concur in passing this resolution.

The petition of Elos Ray and James A. Gillet, praying to be relieved from a conviction of theft before a Justice of the peace, was taken up, read and the question put "Shall a pardon be granted to the said Elos Ray and James A. Gillet?" which was determined in the affirmative—Yeas 13, Nays 0. The petition of Alexander Wightman, a convict in the state prison, was taken up, read and the question put "Shall the said Alexander Wightman be discharged from confinement?" which was determined in the affirmative—Yeas 13, Nays 0. The petition of Joel H. Harvey, praying for a pardon, was taken up, read, and on motion ordered to be dismissed.

Benjamin Swan Esq. Treasurer of the State, appeared in the Council chamber and presented his official bond, which was approved by the Gov. & Council, when His Excellency the Governor, in the presence of the Council, administered to him the oath of office, a certificate of which was entered upon said bond. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. & Council met pursuant to adjournment. The House sent up the following bills for revision and concurrence or proposals of amendment to wit, "An act fixing the compensation of the Superintendent of the State prison for the year ensuing," which was read; whereupon Resolved to concur in passing this bill—ordered that the Sec^y inform the House of the same.

The petition of Silas Hathaway Jr. for pardon, was taken up, read and the question put "Shall the said Silas Hathaway Junior be discharged from confinement?" which was determined in the negative, and said petition was dismissed: The petition of John Utley, for pardon, was taken up, read and the question put "Shall the said John Utley be discharged from confinement?" which was determined in the affirmative—Yeas 12, Nays 0. The petition of Paul Brown, for pardon, was called up, read and the question put "Shall the said Paul Brown be discharged from confinement?" which was determined in the affirmative—Yeas 12, Nays 0. Adjourned to 9 O'clock to morrow morning.

WEDNESDAY Oct. 24, 1827. 9 O'clock A. M.

The Gov. & Council met pursuant to adjournment. The House sent up the following bill for revision and concurrence or proposals of amendment to wit, "An act laying a tax of four cents on each acre of land in the town of Brownington," which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House of the same.

The House sent up the following for concurrence in the reference—The petition of Albee Davison, with an order of the House thereon that the same be referred to the Committee of Claims; whereupon resolved to concur in said order of reference—The petition of Judith Randall & others, with an order of the House thereon that the same be referred to the Committee of Ways and Means; whereupon resolved to concur in said order of reference—The petition of Charles Lindsley and others with an order of the House thereon that the same be referred to the Committee on Land taxes; whereupon Resolved to concur in said order of reference. An act to revive an act passed Nov. 15, 1820, respecting landed property—An act to incorporate certain persons therein named by the name of the Champlain glass company—with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to concur in said orders of reference. An act authorising John H. Burton to erect a wharf at St. Albans bay in the town of St. Albans, with an order of the House thereon that the same be referred to the Committee on roads and canals; whereupon resolved to concur in said order of reference.

The House sent up the following resolutions for concurrence, "Resolved, the Gov. & Council concurring herein, that a committee of two members of this House be raised to join from Council to enquire into the expediency of passing a law for the appointment of inspectors of lumber in the several towns in this state and report by bill or otherwise," which was read; whereupon resolved to concur in passing this resolution. "Resolved, the Gov. & Council concurring herein, that the

Committee of Ways and Means be discharged from the consideration of the petition of the President and managers of the Vermont Colonization Society, and that said petition be referred to a select committee of four to join from Council, which was read; whereupon resolved to concur in passing this resolution. "Resolved, the Gov. & Council concurring herein, that the Military Committee be instructed to inquire whether any and if any what alteration shall be made in the militia laws in reference to the compensation for services of those persons who may be connected with the courts martial and courts of enquiry," which was read; whereupon resolved to concur in passing this resolution. "Resolved, the Governor and Council concurring herein, that the Committee on roads and canals be requested to inquire into the expediency of passing a general law relative to passing bridges in this state," which was read; whereupon resolved to concur in passing this resolution. "Resolved, the Gov. and Council concurring herein, that the Military Committee be instructed to enquire into the expediency of so altering the law as to make parents, masters and guardians liable to fines for the nonappearance of minors under their care liable to military duty," which was read; whereupon Resolved to concur in passing this resolution. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. & Council met pursuant to adjournment. The petition of Lemuel Scott, praying for a pardon, was called up, read and the question put "Shall the said Lemuel Scott be discharged from confinement?" which was determined in the affirmative—Yeas 12, Nays 0.

The House sent up the following bills for revision and concurrence and proposals of amendments to wit, "An act to incorporate the President, Directors and Company of the bank of Bennington," which was read and laid upon the table—"An act authorising the proprietors of Piermont bridge to erect a toll gate in this state," which was read and thereupon amendments were proposed which were read and adopted; whereupon Resolved to concur in passing this bill with said proposals of amendment and Mr. Thompson was appointed to assign reasons to the House who assigned the same in writing. Ordered that the Sec^y return said bill and reasons to the house.

The House sent up the following for concurrence in the reference—"An act to incorporate certain persons therein named by the name of the Champlain glass company," with an order of the House thereon that the same be recommitted to the Judiciary committee; whereupon resolved to concur in said order of reference.

Mr. Langdon, on motion, had leave of absence granted him for one week. Adjourned to 9 O'clock to morrow morning.

THURSDAY Oct. 25, 1827. 9 O'clock A. M.

The Gov. & Council met pursuant to adjournment. The House sent up the following bills for revision and concurrence and proposals of amendment—"An act to incorporate the President, Directors and Company of the bank of Bennington," which was read; whereupon Resolved to concur in passing this bill.—Yeas 9, Nays 2. Those who voted in the affirmative are Messrs. Deming, Fitch, Holley, Hopkinson, Merrill, Roberts, Thompson, Wetmore, Worthington.—Those who voted in the negative Messrs. Crafts, Pierpoint. "An act laying a tax of three cents on each acre of land in the town of Hancock," which was read; whereupon Resolved to concur in passing this bill. "An act directing the Treasurer to pay Hylon Knapp the sum therein mentioned," which was read;

whereupon Resolved to concur in passing this bill. Ordered that the Sec^y inform the House of the passage of the three bills last mentioned.

The House sent up the following for concurrence in the reference—An act for the relief of William Atkinson and others, An act in addition to an act constituting Probate courts &c. with an order of the House on each that the same be referred to the Judiciary Committee ; whereupon Resolved to concur in said orders of reference. An act incorporating the Lamoile and Elmore iron factory and mining Company, with an order of the House thereon that the same be referred to the Committee on Manufactures ; whereupon Resolved to concur in said order of reference. An act directing the Treasurer to pay Stephen Haight the sum therein mentioned—An act directing the Treasurer to pay William Slade the sum therein mentioned, with an order of the House on each that the same be referred to the Committee of Claims ; whereupon resolved to concur in said orders of reference. An act laying a tax of four cents on each acre of land in the town of Fairlee—The Remonstrance of Martin Evarts and others, with an order of the House on each that the same be referred to the land tax Committee ; whereupon resolved to concur in said orders of reference.

The House sent up the following resolution for concurrence — “Resolved, the Gov. & Council concurring herein, that the Quarter Master General be and he hereby is directed to report to the General Assembly as soon as may be the number and condition of the arms received from the United States now in his keeping, the number of pieces of ordnance which have been furnished by the state to the several brigades of militia, designating the brigades which have been so furnished and the brigades which are now destitute,” which was read ; whereupon Resolved to concur in passing this resolution. “Resolved, the Gov. & Council concurring herein that the General Committee be instructed to enquire into the expediency of repealing so much of the first section of an act relating to pounds as gives the penalty of thirty dollars to any person who will sue for the same,” which was read ; whereupon Resolved to concur in passing this resolution. “Resolved, the Gov. & Council concurring herein, that the Committee on education be instructed to enquire into the expediency of so amending the act for the support of common Schools, passed Oct. 31, 1797, as to empower the several towns in this state to appoint a committee of three or more persons to divide and apportion the public money among their respective school districts, and also into the expediency of repealing an act entitled an act in addition to an act for the support of schools, passed Nov. 15, 1826,” which was read ; whereupon resolved to concur in passing this resolution.

The House sent up the following for revision and concurrence or proposals of amendment, “An act laying a tax of five cents on each acre of land in the town of Mountholly,” which was read ; whereupon resolved to concur in passing this bill.

The petition of Zurishaddai Kinney, praying to be relieved against a conviction for theft, before a Justice of the peace, was read and the question put “Shall a pardon be granted to the said Zurishaddai Kinney?” which was determined in the affirmative—Yeas 11, Nays 0. Adjourned to 2 Oclock P. M.

2 OCLOCK P. M.—The Gov. and Council met pursuant to adjournment. The House sent up the following for revision and concurrence or proposals of amendment—“An act appropriating the sum of money therein mentioned to defray the expenses of the Council of Censors,” which was read ; whereupon resolved to concur in passing this bill. Also “An act incorporating the Gneiss bottom manufacturing Company,” which was

read; whereupon resolved to concur in passing this bill. Also "An act to preserve the fish in Readsboro pond," which was read; whereupon resolved not to concur in passing this bill and Mr. Roberts was appointed to assign the reasons of the Council for their nonconcurrence, who assigned the same in writing. Ordered that the Sec^y return said bills and reasons to the House.

The petition of Josiah K. Parkhurst, for pardon, was taken up, read and on motion ordered to be dismissed.

The House sent up the following bill for concurrence in the reference—An act laying a tax of three cents on each acre of land in the town of Sutton, with an order of the House thereon that the same be referred to the land tax Committee; whereupon resolved to concur in said order of reference. Adjourned to 9 O'clock to morrow morning.

FRIDAY Oct. 26, 1827. 9 O'clock A. M.

The Gov. & Council met pursuant to adjournment. The House sent up the following for concurrence in the reference—The petition of William G. Page and others, and of Reuben Ellis, with an order of the House on each that the same be referred to the Military committee; whereupon resolved to concur in said orders of reference. An act laying a tax of three cents on each acre of land in the town of Burke, with an order of the House thereon that the same be referred to the land tax committee—An act in addition to an act granting a toll bridge to Samuel Parsons—An act for the relief of the town of Brookfield, with an order of the House on each that the same be referred to the committee on roads and canals; whereupon resolved to concur in said several orders of reference. An act in addition to the several acts relating to jails and jailers, and for the relief of persons imprisoned therein; with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference.

The House sent up the following resolutions for concurrence—"Resolved, the Gov. & Council concurring herein, that the Treasurer of this state be directed to communicate to this House the number and names of the agents of foreign insurance Companies, who have executed bonds for the payment of the eight per cent. on premiums agreeably to the act of 1825, and also the amount paid in by each agent," which was read; whereupon resolved to concur in passing this resolution. "Resolved, the Gov. & Council concurring herein, that the Military Committee be instructed to enquire whether any and if any what alterations are necessary to be made in the thirteenth section of an act entitled an act for regulating and governing the militia of this state," which was read; whereupon resolved to concur in passing this resolution.

The House sent up the following bills for revision and concurrence &c.—"An act laying a tax of four cents on each acre of land in the town of Topsham," which was read and thereupon amendments were proposed to said bill, which were read and adopted; whereupon resolved to concur in passing this bill with said proposals of amendment and Mr. Fitch is appointed to assign reasons to the House. "An act laying a tax of four cents on each acre of land in the town of Morgan," which was read; whereupon resolved to concur in passing this bill. "An act in explanation of an act therein mentioned," which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House of the passage of the two bills last mentioned.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. and Council met pursuant to adjournment. The House sent up the following bills for revision and concurrence &c.—“An act laying a tax of four cents on each acre of land in the town of Elmore,” which was read ; whereupon resolved to concur in passing this bill. “An act laying a tax of four cents on each acre of land in the town of Fletcher,” which was read ; whereupon resolved to concur in passing this bill. “An act for the relief of the town of Stratton,” which was read ; whereupon Resolved to concur in passing this bill. Ordered that the Sec^y return said last mentioned bills to the House. Adjourned to 9 O'clock to morrow morning.

SATURDAY Oct. 27, 1827. 9 O'clock A. M.

The Gov. & Council met pursuant to adjournment. The House sent up the following bill for revision and concurrence &c.—“An act annexing a part of the town of Fairfield to the town of St. Albans, and a part of the town of St. Albans to the town of Fairfield,” which was read and thereupon amendments were proposed to the same which were read and adopted ; whereupon resolved to concur in passing this bill with the said proposals of amendment and Mr. Deming was appointed to assign the reasons of the Council to the House. “An act granting relief and further time for making a road in the town of Dover,” which was read ; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House of the passage of the bill last mentioned.

The House sent up the following for concurrence in the reference—“An act entitled an act to repeal an act therein mentioned”—“An act relating to the turnpike bridges in Royalton and Woodstock,”—with an order of the House on each that the same be referred to the Committee on roads and canals ; whereupon Resolved to concur in said orders of reference. The petition of Judith Randall and others, with an order of the House thereon that the same be referred to the Committee of Ways and means ; whereupon resolved to concur in said order of reference. An act in addition to an act entitled an act to restrain swine from going at large, passed Nov. 2d, 1799, with an order of the House thereon that the same be referred to the General Committee ; whereupon resolved to concur in said order of reference. An act relating to camp-meetings, with an order of the House thereon that the same be referred to the Judiciary Committee ; whereupon Resolved to concur in said order of Reference.

The House sent up the following resolutions for concurrence—“Resolved, the Gov. and Council concurring herein, that the committee of new trials be and are hereby instructed to enquire into the expediency of so altering the laws as to give more time to persons to petition the Supreme and County Courts for new trials where the reasons for such petitions shall be the discovery of new evidence,” which was read ; whereupon resolved to concur in passing this resolution. “Resolved, the Gov. & Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of providing by law that the Judges of the Supreme Court shall, far as possible, be assigned to circuits in which they do not reside,” which was read ; whereupon resolved to concur in passing this resolution. “Resolved, the Gov. & Council concurring herein, that so much of his Excellency's Speech as relates to manufactures be referred to the Committee on manufactures ; and that the Committee on manufactures be instructed to enquire into the expediency of passing a law making provision that all manufactories of iron, wool, cotton and glass within this state shall be exempted from taxation

for the term of fifteen years," which was read; whereupon resolved to concur in passing this resolution.

Mr. Hopkinson was appointed on the committee on roads and canals, to serve during the absence of Mr. Langdon. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. & Council met pursuant to adjournment. The House sent up the following for revision & concurrence &c.—"An act incorporating certain persons therein named by the name of the Champlain glass Company," which was read; whereupon Resolved to concur with the House in passing this bill with certain proposals of amendment, which were thereupon proposed and adopted and Mr. Pierpoint was appointed to assign the reasons of the Council to the House. Adjourned to 9 O'clock Monday morning.

MONDAY Oct. 29, 1827. 9 O'clock A. M.

The Gov. & Council met pursuant to adjournment. The House sent up the following for concurrence in the reference—An act in addition to an act entitled an act to authorise the Supreme Court to empower Guardians to sell the real estate of their wards—An act in addition to the several acts constituting the Supreme and County Courts and regulating judicial proceedings with an order of the House on each that the same be referred to the Judiciary Committee. Also An act levying a tax on the County of Chittenden, with an order of the House thereon that the same be referred to the land tax Committee; whereupon Resolved to concur in said several orders of reference. An act directing the Treasurer of this state to credit the town of Troy the amount therein mentioned—An act making an appropriation for the payment of a Convention that may be convened by order of the Council of Censors, with an order of the house thereon that the same be referred to the Committee of Ways and means; whereupon Resolved to concur in said orders of reference.

The House sent up the following bills for revision and concurrence &c.—"An act to preserve fish in Minard's pond," which was read; whereupon Resolved not to concur in passing this bill and Mr. Roberts is appointed to assign the reasons of the Council to the House. "An act regulating the mode of administering oaths in certain cases therein mentioned," which was read; whereupon Resolved not to concur in passing this bill and Mr. Fitch was appointed to assign the reasons of the Council to the House. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. & Council met pursuant to adjournment. The House sent up the following for concurrence in the reference—"Resolved, the Governor and Council concurring herein, that the 33^d section of the constitution of this state imperiously demands from this legislature such legislative provisions as will effectually prevent the repeated and continued imprisonment of debtors who have no property; or those debtors who will deliver up and assign over all their property for the benefit of their creditors; and that the existing laws on that subject fall far short of extending to that class of our citizens that protection and enjoyment of their rights which [are] guaranteed to them by the constitution; and therefore also resolved that the Judiciary Committee be directed to report a bill to prevent the body of a debtor from being imprisoned, if he will deliver up all his property, except such as is exempt by law from execution, for the benefit of his creditors"—which was read, and thereupon amendments were proposed to the same which were read

and adopted; whereupon Resolved to concur in passing this resolution with said proposals of amendment and the same was returned to the House for their concurrence.

The House sent up the following bills for revision and concurrence &c. —“An act in explanation of an act and in addition to an act entitled an act constituting Probate Courts and defining their powers and regulating the settlement of testate and intestate estates and the guardianship of minors and insane persons,” which was read and thereupon amendments were proposed to said bill which were read and adopted; whereupon Resolved to concur in passing this bill with said proposals of amendment and Mr. Deming is appointed to assign the reasons of the House. “An act in addition to an act entitled an act to incorporate the Sand bar bridge Company passed Oct. 30, 1826,” which was read; whereupon Resolved to concur in passing this bill. Ordered, that the Secy inform the House of the passage of the bill last mentioned. Adjourned to 9 O'clock to morrow morning.

TUESDAY Oct. 30, 1827. 9 O'clock A. M.

The Gov. & Council met pursuant to adjournment. The House sent up the following resolutions for concurrence—“Resolved, the Gov. & Council concurring herein, that the Judiciary Committee be instructed to enquire whether any and if any what alteration is necessary to remove any uncertainties in reference to the construction of so much of the 3d section of an act, directing the mode of election of Governor, Lieut. Gov., Treasurer, Councillors and representatives, passed Nov. 2^d 1797, as relates to the election of representatives,” which was read; whereupon resolved to concur in passing this resolution. “Resolved, the Governor and Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of passing an act defining what shall be considered the settlement of a minister so as to hold the first settled minister's right of land in any town in this state,” which was read; whereupon resolved to concur in passing this resolution. “Resolved, the Gov. & Council concurring herein, that the General Committee be instructed to enquire into the expediency of furnishing blanks to the several towns in this state upon which to make up the general List,” which was read: whereupon resolved to concur in passing this resolution.

The House sent up the following for concurrence in the reference, An act directing the Treasurer to pay Joseph Thomas the sum therein mentioned, with an order thereon that the same be referred to the Committee of Claims; whereupon resolved to concur in said order of reference. An act directing the Treasurer to pay Harvey Deming and Aaron Barrows the sum therein mentioned, with an order of the House thereon that the same be referred to the Committee of Ways and Means; whereupon resolved to concur in said order of reference. An act in addition to an act relating to levying executions and poor debtors, with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference.

The House sent up the following resolution for concurrence: “Resolved, the Governor and Council concurring herein, that both houses meet in joint committee in the representatives' room, on Friday next at ten o'clock in the forenoon, for the purpose of electing a Brigadier General of the third brigade in the first division of the militia, to fill the vacancy occasioned by the promotion of Major General May,” which

was read; whereupon Resolved to concur in passing this resolution, and the Sec^y was ordered to inform the House of the same.

The House sent up the following bills for revision and concurrence &c.—“An act relating to the 2^d West river bridge in Dummerston,” which was read and thereupon amendments were proposed to the same which were read and adopted; whereupon Resolved to concur in passing this bill with said proposals of amendment, and Mr. Thompson was appointed to assign the reasons of the Council. “An act directing the Treasurer of this state to pay William Slade the sum therein mentioned,” which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House of the same.

On motion of Mr. Fitch, voted to reconsider the vote dismissing the petition of John Jenness, a prisoner confined in the state prison, and thereupon the question was put “Shall the said John Jenness be discharged from confinement?” which was determined in the affirmative—Yeas 9, Nays 3. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. and Council met pursuant to adjournment. The House sent up the following bills for concurrence & revision or proposals of amendment—“An act laying a tax of four cents on each acre of land in the town of Brookline,” which was read; whereupon resolved to concur in passing this bill. “An act laying a tax of four cents on each acre of land in the town of Parkerstown” [Mendon,] which was read; whereupon resolved to concur in passing this bill. “An act laying a tax of four cents on each acre of land in the town of Newark,” which was read; whereupon resolved to concur in passing this bill. “An act laying a tax of three cents on each acre of land in the town of Sutton,” which was read; whereupon resolved to concur in passing this bill. “An act laying a tax of four cents on each acre of land in the town of Salem,” which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House of the passage of the five bills last mentioned. Adjourned to 9 O'clock to morrow morning.

WEDNESDAY Oct. 31, 1827. 9 O'clock A. M.

The Gov. and Council met pursuant to appointment. The House sent up the following bills for revision and concurrence &c.—“An act directing the Treasurer of this state to pay Stephen Haight the sum therein mentioned,” which was read; whereupon resolved to concur in passing this bill with certain proposals of amendment which were then read and adopted and Mr. Pierpoint was appointed to assign the reasons of the Council. “An act authorizing Constables of the several towns adjoining the waters of Lake Champlain to serve process beyond the charter limits of their respective towns,” which was read and thereupon amendments were proposed to said bill which were read and adopted; whereupon Resolved to concur in passing this bill with said proposals of amendment and Mr. Thompson was appointed to assign the reasons of the Council.

The House sent up the following for concurrence in the reference—An act to repeal an act therein mentioned, with an order of the House thereon that the same be referred to the General Committee; whereupon resolved to concur in said order of reference. An act taxing agents of foreign insurance Companies, with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference. An act granting further time for making a road in the towns of Salem and Derby, with an order of the House thereon that [the same] be referred to the committee on roads

and canals; whereupon resolved to concur in said order of reference. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. and Council met pursuant to adjournment. A message was received from the House, by Mr. Cushman of Guildhall, one of its members, informing that the House had nonconcurring in the amendment proposed by the Gov. and Council to the resolution introduced by Mr. Keeler on the twenty seventh instant [on imprisonment for debt.] and after assigning the reasons of the House he withdrew. Whereupon Resolved to rescind from the amendment heretofore proposed to said resolution, and thereupon a further amendment was proposed to said resolution which was read and adopted; whereupon Resolved to concur in passing this resolution with said last proposal of amendment, and His Honor the Lieut. Gov. was appointed to assign the reasons of the Council.

Mr. Pierpoint moved to reconsider the vote dismissing the petition of Adonijah Hewett. Adjourned to 9 O'clock to morrow morning.

THURSDAY Nov. 1, 1827. 9 O'clock A. M.

The Gov. and Council met pursuant to adjournment. The House sent up the following for concurrence in the reference to wit—An act making further provision for the relief of poor debtors, with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference.

A written message was received from the House informing that the House had concurred in the amendment proposed by the Gov. and Council to the resolution introduced by Mr. Keeler on the 27th of October.

The House sent up the following for revision and concurrence or proposals of amendment to wit—"An act laying a tax of three cents on each acre of land in the town of Burke," which was read; whereupon Resolved to concur in passing this bill. Ordered that the Sec^y inform the House of the same. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M. The Gov. and Council met pursuant to adjournment. Mr. Langdon appeared in the Council and took his seat.

The House sent up the following bills for revision and concurrence or proposals of amendment to wit, "An act for the relief of William Atkinson and others," with an order of the House thereon that the same be sent to the Gov. and Council for their revision &c. which was read; whereupon Resolved to concur in passing this bill. Also "An act to repeal an act therein mentioned," which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House of the passage of the two bills last mentioned. Adjourned to 9 O'clock to morrow morning.

FRIDAY Nov. 2, 1827. 9 O'clock A. M.

The Gov. & Council met pursuant to adjournment. The House sent up the following resolutions for concurrence to wit—"Resolved, that in the opinion of this House the policy adopted by the present administration of the General Government is well calculated to promote the permanent prosperity of the nation, and is approved by the people of Vermont; and that the re-election of John Quincy Adams to the Presidency of the United States is an object highly desirable. Resolved that the foregoing resolution be communicated to the Gov. and Council for their

concurrence," which was read; whereupon Resolved to concur in passing this resolution.¹

The House sent up the following for concurrence in the reference—An act in addition to an act ascertaining the principles on which the list of this state shall be made and directing listers in their office and duty, An act in addition to and alteration of an act entitled an act constituting the Supreme Court of Judicature and County Courts, defining their powers and regulating judicial proceedings, with an order of the House on each that the same be referred to the Judiciary Committee; whereupon resolved to concur in said orders of reference. The petition of the Selectmen of Moretown, and An act in addition to an act laying a tax on the town of Troy, passed Nov. 3, 1826, with an order of the House on each that the same be referred to the land tax Committee; whereupon resolved to concur in said orders of reference. An act authorizing the Treasurer of this state to deed lands, with an order of the House thereon that the same be referred to the Committee of Ways and Means; whereupon resolved to concur in said order of reference.

The House sent up the following resolution for concurrence, "Resolved, the Gov. and Council concurring herein, that the two houses meet in Joint Committee on Friday morning the 2d Nov. for the purpose of choosing three Directors of the Vermont State bank; also a committee as provided by law for the inspection and examination of the proceedings of the respective banks within this state and to report the state of said banks at the next session of the Legislature," which was read; whereupon Resolved to concur in passing this resolution. "Resolved, the Gov. & Council concurring herein, that so much of his excellency's Speech as relates to the next presidential election be referred to a select committee of six to join from Council," which was read; whereupon resolved to concur in passing this resolution, and Mr. Deming is appointed from Council. Adjourned to 2 O'clock P. M.²

2 O'CLOCK P. M.—The Gov. and Council met pursuant to adjournment. Adjourned to 9 O'clock to morrow morning.

SATURDAY NOV 3, 1827. 9 O'clock A. M.

The Gov. and Council met pursuant to adjournment. The Gov. retired and His Honor the Lieut. Gov. took the chair. The House sent up the following for concurrence in the reference—The petition of Samuel Snow, with an order of the House thereon that the same be referred to the committee raised on the petition of Samuel Wiswall; whereupon resolved to concur in said order of reference. The petition of Oliver Thayer and others with an order of the House thereon that the same be referred to the committee raised on the petition of Joseph Collins and others; whereupon resolved to concur in said order of reference.

The House sent up the following bills for revision and concurrence or proposals of amendment—"An act appointing a collector in the town of

¹In the General Assembly these resolutions were adopted by yeas and nays: yeas 165, nays 35. Politically, from that time to this, with the exception of the intervention of anti-masonry and the extraordinary election of 1863, Vermont has been styled "The Star that never sets."

²Justus Burdick was elected Brig. General; Benjamin Swan, Job Lyman and John Jackson Directors of the Vermont State Bank; and Robert Pierpoint Bank Committee. Not noted in the Council Journal.

Bridgewater," which was read ; whereupon resolved to concur in passing this bill. Also "An act to incorporate the President, Directors and Company of the bank of Orange County," which was read ; whereupon resolved to concur in passing this bill. "An act annexing a part of the town of Pittsfield to the town of Sherburne," which was read ; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House of the passage of [the] three bills last mentioned. Also "An act repealing an act therein mentioned," which was read ; whereupon Resolved not to concur in passing this bill and Mr. Pierpoint was appointed to assign the reasons of the Council for their nonconcurrence. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. and Council met pursuant to adjournment. The House sent up the following bill for revision and concurrence or proposals of amendment—"An act for the relief of Daniel and Levi Goss," which was read ; whereupon resolved to concur in passing this bill. Ordered that Sec^y inform the House of the same. Adjourned to 9 O'clock Monday morning.

MONDAY NOV. 5, 1827. 9 O'clock A. M.

The Council met pursuant to adjournment—His Honor the Lieut. Governor in the chair. The House sent up the following for concurrence in the reference—An act directing the Treasurer to pay Thomas Burnside the sum therein mentioned, with an order of the House thereon that the same be referred to the Committee of Claims; whereupon resolved to concur in said order of reference. An act to preserve fish in Fairlee Lake, with an order of the House thereon that the same be referred to the committee raised on the petition of Jonathan Houghton and others; whereupon resolved to concur in said order of reference. An act annexing a part of the town of Bolton to the town of Waterbury in the County of Washington, with an order of the House thereon that the same be recommitted to the committee who reported it; whereupon resolved to concur in said order of recommitment. An act in addition to an act relating to levying executions and to poor debtors, with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to concur in said order of reference. An act in addition to an act entitled an act to restrain swine from going at large, passed Nov. 2^d 1799, with an order of the House thereon that the same be recommitted to the General Committee; whereupon resolved to concur in said order of recommitment.

The House sent up the following resolution for concurrence, "Resolved, the Governor and Council concurring herein, that the Judiciary Committee be instructed to enquire into the expediency of so amending the Probate law as to limit the time when persons absent from their families or residence, and unheard of, shall be considered as dead so as to authorise the Probate Courts to proceed to the settlement of their estates, and report by bill or otherwise"—which was read; whereupon resolved to concur in passing this resolution.

On motion, Mr. Fitch was excused from serving on the committee raised upon the resolution relating to the appointment of inspectors of lumber, and Mr. Hopkinson was appointed in his place.

The House sent up the following bill for revision and concurrence &c.—"An act in addition to an act entitled an act ascertaining the principles on which the list of this state shall be made and directing listers in their office and duty," which was read; whereupon resolved to concur in

passing this bill—ordered that Sec^y inform the House of the same. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment. The House sent up the following bills for revision and concurrence &c.—“An act laying a tax of three cents on each acre of land in the town of Glover,” which was read; whereupon resolved to concur in passing this bill. “An act to repeal part of an act therein mentioned,” which was read; whereupon resolved to concur in passing this bill. “An act granting a further time for making a road in the towns of Salem and Derby,” which was read: whereupon resolved to concur in passing this bill. “An act directing the Treasurer of this state to credit the town of Troy the amount therein mentioned,” which was read; whereupon resolved to concur in passing this bill. “An act directing the Treasurer of this state to pay Harvey Deming and Aaron Barrows the sum therein mentioned,” which was read; whereupon resolved to concur in passing this bill. “An act explanatory of the second section of an act entitled an act ascertaining the principles on which the list of this state shall be made and directing listers in their office and duty,” which was read; whereupon Resolved not to concur in passing this bill and the reasons of the Council were assigned in writing by the Hon. Mr. Langdon.

The petition of Susannah Collins, who had been convicted of theft, praying for pardon, was called up, read and the question put “Shall a pardon be granted to the said Susannah Collins?” which was determined in the affirmative—Yeas 10, Nays 0. Adjourned to 9 O'clock to morrow morning.

TUESDAY Nov. 6, 1827. 9 O'clock A. M.

The Gov. and Council met pursuant to adjournment. The House sent up the following resolution for concurrence—“Resolved, the Gov. & Council concurring herein, that both houses meet in Joint Committee in the representatives' room on tuesday the sixth of Nov. at two o'clock in the afternoon, for the purpose of electing an assistant Justice of the Supreme Court for the year ensuing to fill the vacancy occasioned by the resignation of Judge Royce; and also to appoint three Commissioners under the act for the benefit of the deaf and dumb,” which was read, and thereupon an amendment was proposed to the same which was read and adopted; whereupon Resolved to concur with the House in passing this resolution with said proposal of amendment. “Resolved, the Gov. & Council concurring herein, that the Military Committee be instructed to enquire into the expediency of calling in the arms distributed to the towns of this state,” which was read; whereupon resolved to concur in passing this resolution.

The House sent up the following for concurrence in the reference—An act to provide for the establishment of County poor-houses, with an order of the house thereon that the same be referred to a select committee of three to join from Council; whereupon resolved to concur in said order of reference and Mr. Wetmore is appointed from Council. An act in addition to an act for regulating and governing the militia of the state, with an order of the House thereon that the same be referred to the Military Committee, whereupon resolved to concur in said order of reference.

On motion of Mr. Thompson, the Council reconsidered the vote dismissing the petition of Ebenezer Barnes, and thereupon the question

Thompson is appointed to assign reasons to the House. Adjourned to 9 O'clock to morrow morning.

THURSDAY Nov. 8, 1827. 9 O'clock A. M.

The Gov and Council met pursuant to adjournment. The House sent up the following for concurrence in the reference to wit, An act in amendment of and in addition to an act therein mentioned, with an order of the House thereon that the same be referred to the General Committee; whereupon resolved to concur in said order of reference. An act directing the Treasurer to pay Joseph Collins the sum therein mentioned, which was referred by the House to the Committee on Claims; whereupon resolved to concur in said order of reference. An act in addition to an act making provision for settling the concerns of the Vermont State Bank, with an order of the House thereon that the same be referred to the Committee of Ways and Means; whereupon resolved to concur in said order of reference. An act relating to camp meetings, with an order of the House thereon that the same be referred to the Judiciary Committee. Also An act in addition to an act therein mentioned, with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon resolved to concur in said several orders of reference.

A written message was rec^d from the House of representatives informing that the House had concurred in the amendments proposed by the Gov. and Council to the following bills—"An act relating to the 2^d. West River Bridge in Dummerston," "An act authorising the constables of the several towns adjoining the waters of lake Champlain to serve process beyond the chartered limits of their respective towns." Adjourned to 2 O'clock P. M.¹

2 O'CLOCK P. M.—The Gov. and Council met pursuant to adjournment. The House sent up for revision and concurrence &c. "An act to provide for the support of Common Schools," which was read and laid upon the table. Adjourned to 9 O'clock to morrow morning.

FRIDAY Nov. 9, 1827. [9 O'clock A. M.]

The Gov. and Council met pursuant to adjournment. The Gov. and Council appointed Joseph Howes Surveyor of the public buildings, and Calvin J. Keith Librarian for the year ensuing.

The House sent up the following bills for revision and concurrence &c.—"An act to incorporate the Vermont Mutual fire insurance Company," which was read and thereupon amendments were proposed to the same which were read and adopted; whereupon Resolved to concur in passing this bill with said proposals of amendment and Mr. Pierpoint was appointed to assign reasons to the House. "An act discharging the town of Wolcott from the payment of the State tax in the year 1826," which was read; whereupon resolved to concur in passing this bill.

The following was received and placed upon the files to wit—

"Dissent, with the reasons of the undersigned, to the resolution in respect to the reelection of the President of the United States [John Quincy Adams.] When in the course of public duties and responsibilities, the occurrence of any prominent event places public servants under circumstances in which their motives are or may be misrepresented—

¹ Stephen Hawkins and Samuel P. Strong were elected Brigadier Generals. Not noted in the Council Journal.

sented and misunderstood, a proper self-respect and a decent regard to the opinions and interests of their constituents and successors, render it suitable and even necessary, that they submit some of the reasons which have governed their acts as public agents. This constitutional privilege becomes an obligation upon public agents so situated when their vote given is upon any measure to which public feeling and opinion have or may attach importance. The subject to which we especially refer is the resolution which was passed by the House of Representatives on the thirty-first ult. approving of the present administration of the general government and the re-election of John Quincy Adams to the Presidency, and which was sent to the Governor and Council and concurred in by a majority on the 24th day of November instant. To this vote of concurrence we gave our votes in the negative. This resolution is an independent resolution of the other House of legislation, upon which the powers of the Gov. and Council could not act, either to revise or amend, it not being a concurrent resolution; the question, if any could be raised upon this resolution, was the isolated vote of concurrence. The first proposition of the resolution approves unqualifiedly and in mass the measures of the present administration of the general government. The second proposition was evidently the grand object contemplated. It appears from the resolution and the manner in which it was introduced, that the design of its movers was to call in the aid of the Legislature to give a direction to the freemen of the state, relative to the approaching election of the President of the United States. In our opinion, it is at all times inexpedient for a legislature, in a legislative capacity, to attempt to give any direction to the freemen relative to any election submitted to the people or by them retained. It may be proper and expedient for the members of the legislature to receive instructions from their constituents. But for the *agent* to instruct the *principal* how to manage their concerns, to us is inconsistent. Should the members of the legislature as agents of the people deem it expedient, in their individual capacity, to assemble at some suitable time and place, for the purpose of advising as freemen and conferring together under a motive of receiving information from the several sections of the state and to transmit that information to their constituents, this is far less objectionable. Should however the members of the House of representatives deem it admissible to pass any resolutions, designed to instruct and direct the freemen in the course they are to pursue, it is highly improper that they should, after passing the same, give to it such direction in their communication to the Governor and Council, that they cannot revise, alter or vary the resolution, but are compelled either to adopt or reject it; when by an opportunity of proposing some alterations, the sentiments may be retained in all their purity, and force may be added to them. The resolution under consideration assigns no reasons why the re-election of Mr. Adams ought to be desirable, except a sweeping proposition, that the measures of the present administration are calculated to promote the permanent prosperity of the nation. In our opinion, should any resolution of the kind be thought expedient and correct in principle, by a majority of the Governor and Council, the prominent reasons why Mr. Adams should be re-elected, ought to introduce and accompany the resolution in order that the freemen may judge for themselves. And should the reasons be satisfactory to the people, they will cheerfully give their suffrages to that person who has conducted the weighty affairs of the nation with prudence, ability and wisdom to a beneficial result. If we look abroad we can find few or no reasons for the adoption of such a measure. We have always been of opinion that a person enjoying good health "needeth no Physician;"

the prescribing medicaments in such a case is worse than useless. And where we find the body politic sound, we have never thought it expedient to administer any political drugs and medicines, and especially those of doubtful quality. Upon an attentive and sober consideration we cannot discover the propriety or expediency of acting as legislators upon national topics, unless it is by ordinary concurrent acts, which communicate to the measure acted upon the force and authority of the will of the people of the state of Vermont. In opposing the motion of concurrence, adopting the resolution of the sense of the House of representatives, we deemed it an extraordinary course, a precedent of dangerous measure whether considered in its immediate effects or distant consequences. It being out of our legitimate province and transcending the scope of our legislative duties,—And more especially did we deem it inexpedient to vote for the measure, because in our judgement it carries with it, in its terms, in its subject matter and in its spirit and intent, an interference in elections. And touched however softly, we think it carries no apology. If we may tamper little we may much.

“We have been instructed, and by re-examination we find, that legislators, as such, may, and it is their duty to make statutory rules and regulations of mode and manner, which will assure fairness, purity, freedom and certainty in elections to be made in the primary assemblies of the people. But upon the subject matters and objects upon which the will of the freemen is to be expressed, the maxim should be imperative—“handle not, touch not.” In looking for an example illustrative of the effects of a contrary course, we need only allude here to the interference in England when the king prorogues the parliament and sends out writs of election for a “convenient majority” for the uses of his ministry. This is perhaps sufficient to set forth our motives and apprehensions in “bold relief.” Still we desire to add, on the subject of interference with, who should be, or ought not to be candidates for appointments to be made by the people, that we have ever felt tender and scrupulous as legislators, because free and unbiassed elections by the freemen, are the sheet anchor of public liberty. And in relation to candidates for popular suffrage we are fearful of the praises of legislatures. We have ever been of opinion that the unbiassed exercise of the right of suffrage is paramount in all its bearings to any exercise of delegated privileges or permissive powers. We are of opinion as legislators that it should be ever borne in mind, our powers are a privilege, a delegated and not a primitive or original right. We are the agent and not the principal. And it is always expedient that we act in perfect accordance thereto, according to the best lights of duty we have; and in our dissent from the resolution under consideration we think we acted under the influence of this impression. And in coming to our results we also took into sober consideration that the election of electors of President of the United States, which in letter, in spirit, and intent is a main topic of the resolution, was not with us. Public opinion and feeling and our acts had placed it under the control of the people, as the safest depository and with whom is, politically, the primary and ultimate power over it.

“The people of Vermont, and not we their representatives, have the independent and exclusive right of making a President of the United States, so far as this state sovereignty has any right of participation. It seemed to us that all our acts in the capacity of legislators upon elections should have a statutory character and that even these should have exclusive reference to their fairness, purity, freedom and certainty; and that in no other way, and under no other motive than to preserve them uncorrupted, unawed, unintimidated and uninfluenced, could it ever be expe-

dient for legislators, as such, to intermeddle, and we feared this act might be otherwise construed; and we felt we had no right to forestall public opinion in this matter, or attempt to give it direction. And in our judgment the resolution under consideration meant this or nothing. We are, if we make any difference, more tender upon this topic than we are upon any interference with matters legitimately judicial and with which Courts of Justice are expressly invested. We apprehend it is a vital and fundamental principle, that popular elections be free and uninfluenced. This is a political axiom that has the force of a paramount law; and by the constituted organs of government is to be officially regarded. It is a sacred right and upon us as a transcendent obligation to regard it. We feared that to touch it even in the mode under meditation, might be deemed a species of sacrilege, and accounted an official influence or suggestion of an improper character in respect to elections. Therefore being forcibly and solemnly impressed with an unwavering belief, that it was not a legitimate subject of legislation, and that in our capacity as legislators we had no delegated right or official cognizance of elections with the people, except as to the mode and manner, we could not accredit the measure. This resolution being expressly and by intentment, not legislative but of a different character, we could not conscientiously give to it our assent. And if it were out of our jurisdiction as legislators, which we in our most deliberate judgment believed was the case, we held our concurrence therein as something more pernicious than an act of supererogation; it was sanctioning a precedent of dangerous bias, touching a principle consisting with and equally dear as religious freedom. We regret the occasion and the necessity which impels to the duty of entering our dissent and the reasons which influenced it. Yet holding it a solemn and indispensable duty, we are not at liberty to disregard the injunction and pledge made in our oaths, to do nothing injurious to the constitution and the rights of the people. Done in Council Chamber at Montpelier, Nov. 9, 1827. SETH WETMORE, O. C. MERRILL, LYMAN FITCH, DAVID HOPKINSON, Jr.¹ Adjourned to 2 O'clock P. M.

¹ For many years it had been the practice to make nominations for President and Vice President of the United States by a caucus of the Senators and Representatives in Congress of the dominant party. This custom aroused discontent, and as early as 1824 the legislature of Tennessee condemned it, and that of Alabama volunteered a nomination of Gen. Andrew Jackson for the Presidency, the resolutions of both of these states being officially communicated to the legislature of Vermont. Without reference to other states, it is evident that the action of the Vermont legislature in 1827 was not unprecedented. Moreover, if the above dissentients had been thoroughly acquainted with the prevailing sentiment in the state, they would have been wise to consider whether, instead of an attempt to bias, the resolution of the legislature of 1827 was not rather a correct response to the wishes of the people. Certainly the popular vote in Vermont for Mr. Adams in 1828 indicated that to be the fact. It is true that the resolution of the Assembly was not *in form* concurrent; but that was true of other of its resolutions on which the Council did not scruple to act. The journal of the Council does not show that the above dissentients voted either way on the question of concurrence

2 O'CLOCK P. M.—The Gov. & Council met pursuant to adjournment. The House sent up the following bills for revision and concurrence &c. —“An act to provide for the Support of Common Schools,” which was read; and thereupon certain amendments were proposed to the same, which were read and adopted; whereupon resolved to concur in passing this bill with said proposals of amendment, and Mr. Pierpoint was appointed to assign reasons to the house. “An act authorizing the Gov. to procure pieces of ordnance,” which was read; whereupon resolved to concur in passing this bill. Also “An act relating to this State's quota of United States arms,” which was read; whereupon resolved to concur in passing this bill. Adjourned to 9 O'clock to morrow morning.

SATURDAY Nov. 10, 1827. 9 O'clock A. M.

The Gov. and Council met pursuant to adjournment. The House sent up the following bills for revision and concurrence &c. —“An act laying a tax of six cents on each acre of land in the town of Eden,” which was read; whereupon resolved to concur in passing this bill. Also “An act altering the names of certain persons therein mentioned,” which was read; whereupon resolved to concur in passing this bill. Also “An act in relation to contested elections,” which was read; whereupon resolved to concur in passing this bill. Also “An act in addition to an act providing for the state printing,” which was read; whereupon resolved to concur in passing this bill. Also “An act laying a tax of four cents on each acre of land in the town of Hardwick,” which was read; whereupon resolved to concur in passing this bill. Also “The Report and resolution of the committee on manufactures,” which was read; whereupon Resolved to concur in passing this Resolution. Also “An act laying a tax of three cents on each acre of land in the town of Greensboro,” which was read; whereupon Resolved to concur in passing this bill. Also “An act laying a tax of four cents on each acre of land in the town of Guildhall,” which was read; whereupon resolved to concur in passing this bill. Also “An act in addition to an act laying a tax on the town of Troy, passed Nov. 3^d 1826,” which was read; whereupon resolved to concur in passing this bill. Also “An act laying a tax of four cents on each acre of land in the town of Barton,” which was read; whereupon resolved to concur in passing this bill. Ordered that the Sec^y inform the House of the passage of the ten bills last mentioned.

The House sent up the following resolution for concurrence —“Resolved, the Gov. and Council concurring herein, that the two houses meet in Joint Committee on wednesday next at three o'clock in the afternoon for the purpose of electing an assistant Justice of the Supreme Court in the place of Heman Allen Esq. who declines accepting the appointment,” which was read and amended and passed as amended.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. and Council met pursuant to adjournment. The House sent up the following for concurrence in the reference—The petition of Almond Curtis, with an order of the House thereon that the same be referred to the Committee of Claims; whereupon Resolved to concur in said order of reference.

with the Assembly, and hence the inference is fair that the “dissent” was an after-thought, designed for political effect. The people seem to have so regarded it, as, in the election of 1828, all the dissentients except Mr. Wetmore were dropped from the Council.

On motion of Mr. Wetmore, voted to reconsider the vote accepting the Report and adopting the resolution of the Committee on Manufactures and the same was laid upon the table.

The House sent up the following resolution for concurrence to wit—“Resolved, the Gov. and Council concurring herein, that both houses meet in the representatives’ room on the 12th of November instant, at seven Oclock in the morning, for the purpose of adjourning the legislature without day,” which was read and thereupon the following amendment was proposed to wit—erase the word 12th and insert in lieu thereof the word ‘fourteenth,’ which was read and adopted; whereupon Resolved to concur in passing this resolution with said proposal of amendment.

The House sent up the following bills for revision and concurrence &c.—“An act to repeal an act therein mentioned,” which was read; whereupon Resolved to concur in passing this bill. “An act in addition to an act entitled an act to authorise the Supreme Court to empower Guardians to sell the real estate of their wards,” which was read; whereupon Resolved not to concur in passing this bill and Mr. Wetmore is appointed to assign reasons to the House, who assigned the same in writing. “An act to preserve the fish in the waters of Bristol,” which was read; whereupon Resolved to concur in passing this bill. “An act to preserve fish in the north pond in Ryegate,” which was read; whereupon Resolved not to concur in passing this bill and Mr. Roberts is appointed to assign the reasons of the Council, who assigned the same in writing. “An act directing the Treasurer to pay Oliver Farrar the sum therein mentioned,” which was read; whereupon resolved to concur in passing this bill.

A message was rec^d. from the House by Mr. Cushman, one of its members, informing that the House had concurred in the first and second amendments proposed by the Gov. and Council to the bill entitled “an act in explanation of and in addition to an act entitled an act constituting Probate Courts, defining their powers and regulating the settlement of testate and intestate estates and the guardianship of minors and insane persons,” and that the House had nonconcurred in the third, fourth and fifth amendments proposed to the same—and after assigning the reasons of the House he withdrew.

The House sent up the following bills for concurrence &c.—“An act in addition to an act entitled an act to restrain swine from running at large, passed Nov. 2, 1799,” which was read; whereupon Resolved to concur in passing this bill. “An act repealing part of an act therein mentioned,” which was read; whereupon Resolved to concur in passing this bill. Adjourned to 9 Oclock Monday morning.

MONDAY Nov. 12, 1827. 9 Oclock A. M.

The Gov. and Council met pursuant to adjournment. The House sent up the following resolution for concurrence, “Resolved, the Gov. and Council concurring herein, that the Judiciary Committee be directed to enquire into the expediency of so altering the law as that the County Courts shall annually appoint County Surveyors, and Report by bill or otherwise,” which was read; whereupon Resolved to concur in passing this resolution.

The House sent up the following bills for revision and concurrence, &c.—“An act to preserve fish in Readsboro pond,” which was read; whereupon Resolved to concur in passing this bill. The Report and Resolution of the Committee on Manufactures, which was read; whereupon Resolved to concur in passing said Resolution with a certain proposal

of amendment which was then and there proposed and adopted.¹ "An act to preserve the fish in the north pond in Ryegate," which was read; whereupon Resolved to concur in passing this bill. "The Report and resolution of the Committee on the resolutions from the State of Georgia," which was read; whereupon resolved to concur in adopting said resolution. "The Report and resolution of the Committee on the resolutions from the State of Alabama," which was read; whereupon Resolved to concur in passing this resolution.² "An act laying a tax of three cents on each acre in the town of Random" [Brighton,] which was read; whereupon resolved to concur in passing this bill.

A written message was rec^d from the House informing that the House had concurred in the amendments proposed to the following bills—"An act to incorporate the Vermont Mutual fire insurance Company," "An act to provide for the support of common schools," and the resolution appointing a time to meet in Joint Assembly to choose an assistant Justice of the Supreme Court. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. and Council met pursuant to adjournment. The House sent up the following bills for revision and concurrence &c.—"An act authorising the erection of wharves and store houses in Lake Champlain," which was read and thereupon amendments were proposed to the same which were read and adopted; whereupon resolved to concur in passing this bill with said proposals of amendment and Mr. Thompson is appointed to assign the reasons of the Gov. and Council. "An act in explanation of and in addition to an act entitled an act constituting Probate Courts and defining their powers and regulating the settlement of testate and intestate estates and the guardianship of minors and insane persons," which was read, and the amendments heretofore proposed by the Gov. and Council to the same; whereupon Resolved to rescind from the third, fourth and fifth amendments and thereupon further amendments were proposed to said bill which were read and adopted; whereupon Resolved to concur in passing this bill with said last proposals of amendment and Mr. Deming is appointed to assign the reasons of the Gov. and Council.

Mr. Pierpoint introduced the following resolution—"Resolved that the Committee to whom was referred the bill to provide for reporting the

¹ This resolution indicates the then prevailing opinion as to the extent of protection to home productions and manufactures, and is therefore given, as follows:

"Resolved, the Governor and Council concurring herein, that our Senators in Congress be instructed, and our representatives be requested to exert their best endeavors to procure the passage of a law which shall afford such protection to the American wool grower and manufacturer as shall enable them to compete with the foreign wool grower and manufacturer in our own markets."—See printed *Acts of 1827*, p. 41.

² Georgia had proposed an amendment to the national constitution to prevent the election of President and Vice President from devolving upon Congress, and the resolution of Vermont was that this was inexpedient. The resolution of Alabama referred to slavery, and Vermont in answer referred to her resolution of 1825, declaring that slavery is an evil to be deprecated, and Vermont will approve any measures for its abolition which are consistent with the rights of the people and the general harmony of the states.

decisions of the Supreme Court, be instructed so to amend the bill as to make it the duty of the Judges of said Court to report the decisions, and to give said Judges the sum of five hundred dollars as a compensation for their services," which was read and adopted. Adjourned to 9 O'clock to morrow morning.

TUESDAY Nov. 13, 1827. 9 O'clock A. M.

The Gov. and Council met pursuant to adjournment. The House sent up the following for concurrence in the recommitment to wit, The Report and resolution of the Committee raised on the resolution from the State of Maine relating to internal improvement, with an order of the House thereon that the same be recommitted to the Committee who reported it; whereupon Resolved to concur in said order of recommitment.

The House sent up the following resolution for concurrence, "Resolved, the Gov. and Council concurring herein, that both houses meet in the representatives' room to morrow at two O'clock in the afternoon, to make further appointments of Justices of the peace for the County of Essex," which was read; whereupon Resolved to concur in passing this resolution. The House sent up the following resolution for concurrence, "Resolved, the Gov. and Council concurring herein, that both houses meet in the representatives' room on tuesday next at three O'clock afternoon for the purpose of choosing five Commissioners for Common Schools," which was read; whereupon resolved to concur in passing this resolution.

The House sent up the following for revision and concurrence &c.—The Report and resolution of the Committee raised on the memorial of the Colonization Society, which was read; whereupon Resolved to concur in passing this resolution.¹ "An act authorizing the Treasurer to contract a temporary loan for the support of government," which was read; whereupon Resolved to concur in passing this bill. "An act making appropriations for the support of government," which was read; whereupon resolved to concur in passing this bill. "An act assessing a tax for the support of government," which was read; whereupon resolved to concur in passing this bill. "An act to provide for reporting the decisions of the Supreme Court of Judicature and for other purposes," which was read and thereupon amendments were proposed to the same which were read and adopted; whereupon resolved to concur in passing this bill with said proposals of amendment and Mr. Langdon is appointed to assign the reasons of the Gov. and Council. "An act in addition to the several acts for laying out, making and repairing highways," which was read and thereupon amendments were proposed to the same which were read and adopted; whereupon Resolved to concur in passing this bill with said proposals of amendment and Mr. Langdon is appointed to assign the reasons of the Gov. and Council. "An act in addition to the several acts constituting the Supreme and County Courts and regulating judicial proceedings," which was read; whereupon resolved to concur in passing this bill. "An act in addition to an act relating to levying executions and to poor debtors," which was read and thereupon amendments were proposed to the same which were read and adopted; whereupon Resolved to concur in passing this bill with said proposals of amendment and Mr. Deming is appointed to assign the reasons of the Gov. and Council. Adjourned to 2 O'clock P. M.

¹ The resolution instructed the Vermont delegation in Congress to favor the purposes of the Society by government aid.

2 O'CLOCK P. M.—The Gov. and Council met pursuant to adjournment. The House sent up the following bills for revision and concurrence &c.—“An act making further provision for the relief of poor debtors,” which was read and committed to Messrs. Wetmore, Roberts and Merrill. “An act for the relief of the towns of Eden, Kelleyvale [Lowell,] Westfield and Troy in the County of Orleans,” which was read; whereupon resolved to concur in passing this bill. “An act directing the Treasurer of this state to pay Thomas Burnside the sum therein mentioned,” which was read; whereupon resolved to concur in passing this bill. “An act relating to the taking of Depositions,” which was read; and thereupon amendments were proposed to the same which were read and adopted; whereupon resolved to concur in passing this bill with said proposals of amendment. “An act incorporating the Lamoille and Elmore iron manufacturing Company,” which was read; and thereupon amendments were proposed to the same which were read and adopted; whereupon resolved to concur in passing this bill with said proposals of amendment.

His Honor the Lieut. Gov. introduced the following resolution, Resolved, the General Assembly concurring herein, that the further consideration of the bill entitled “an act in addition to the several acts for laying out, making and repairing highways” be postponed to the next session of the Legislature, and the question was put Shall the said resolution pass? which was determined in the negative.

The House sent up the following resolution for concurrence,—“Resolved, the Gov. and Council concurring herein, that both houses meet in joint committee in the Representatives’ room at three O'clock this afternoon for the purpose of electing a trustee of the University of Vermont to fill the vacancy occasioned by the death of the Hon. William Baxter,” which was read; whereupon resolved to concur in passing this resolution.¹

A written message was received from the House informing that the House had concurred in the amendments proposed by the Gov. and Council to the following bills—“An act in addition to an act to enforce the due observation of the Sabbath,” “An act in addition to the several acts for laying out, making and repairing highways.”

A message was received from the House by Mr. Kellogg, one of its members, informing that the House had repassed the bill entitled “an act explanatory of the 2^d section of an act entitled an act ascertaining the principles on which the list of this state shall be made and directing listers in their office and duty,” and after assigning the reasons of the House he withdrew; whereupon resolved to concur in passing this bill.

The House sent up the following bills for revision and concurrence &c.—“An act making an appropriation for the payment of a Convention that may be convened by order of the Council of Censors,” which was read; whereupon resolved to concur in passing this bill. “An act to preserve fish in Fairlee Lake and Fairlee pond,” which was read; whereupon resolved to concur in passing this bill. “An act laying a tax on the lands in the town of Fayston,” which was read; whereupon Resolved to concur in passing this bill. “An act directing the Treasurer to pay Joseph Howes the sum therein mentioned,” which was read; whereupon Resolved to concur in passing this bill. “An act granting

¹ The following elections were made: Bates Turner, Assistant Judge of the Supreme Court; William Hall, Charles K. Williams, Jacob Col-lamer, Benjamin F. Bailey, Ephraim Paddock, School Commissioners; Ira H. Allen, Trustee of the University of Vermont.

further time to the town of Coventry for making a road therein mentioned," which was read; whereupon resolved to concur in passing this bill. "An act in addition to an act entitled an act to enforce the due observation of the Sabbath," which was read and thereupon amendments were proposed to the same which were read and adopted; whereupon resolved to concur in passing this bill with said proposals of amendment and Mr. Deming is appointed to assign the reasons to the House. "An act laying a tax of three cents on each acre of land in the town of Moretown," which was read; whereupon resolved to concur in passing this bill. "An act in addition to an act entitled an act authorising the visitors of the state prison to procure a bell and for other purposes, passed Nov. 18, 1824," which was read; whereupon resolved to concur in passing this bill. "An act in addition to an act entitled an act in addition to an act entitled an act constituting the Supreme Court and County Courts, defining their powers and regulating judicial proceedings," which was read; and thereupon amendments were proposed to the same which were read and adopted; whereupon resolved to concur in passing this bill with said proposals of amendment and Mr. Thompson is appointed to assign the reasons to the House. "An act authorising the Treasurer of this state to deed lands," which was read; whereupon resolved to concur in passing this bill.

Adjourned to 7 O'clock this evening.

7 O'CLOCK P. M.—The Gov. and Council met pursuant to adjournment.

The House sent up the following bills for revision and concurrence &c. "An act in addition to an act ascertaining the principles on which the list of this state shall be made and directing listers in their office and duty," which was read; whereupon resolved to concur in passing this bill. "An act directing the Treasurer to pay the board of Commissioners for the benefit of the deaf and dumb the sum therein mentioned," which was read; whereupon resolved to concur in passing this bill. "An act in addition to and alteration of an act for the purpose of regulating suits respecting landed property and directing the mode of proceeding therein, passed Nov. 15, 1820, and to extend the privileges of the same," which was read; whereupon resolved to concur in passing this bill. "An act in addition to an act for regulating and governing the militia of this state," which was read; whereupon resolved to concur in passing this bill. "An act in addition to an act entitled an act laying duties on licences for vending or selling lottery tickets within this state," which was read; whereupon Resolved to concur in passing this bill. "An act laying a tax on the County of Chittenden," which was read; whereupon resolved to concur in passing this bill.

The House sent up the following resolution for concurrence—"Resolved, the Gov. and Council concurring herein, that the Sec^y of State be and hereby is directed to omit publishing in the newspapers the act passed at this session providing for the support of common schools," which was read; whereupon resolved to concur in passing this resolution.

The House sent up the following bill for revision and concurrence &c.—"An act in addition to an act incorporating the Vermont Salt Manufacturing Company," which was read; whereupon resolved to concur in passing this bill.

A written message was received from the House informing that the House had concurred in the amendments proposed by the Gov. and Council to the following bills—"An act laying a tax of six cents on each acre of land in the town of Eden," "An act to provide for reporting the decisions of the Supreme Court of Judicature and for other purposes." "An act in explanation of and in addition to an act entitled an act con-

stituting Probate Courts and defining their powers and regulating the settlement of testate and intestate estates and the guardianship of minors and insane persons," "An act authorising the erection of wharves and store houses in Lake Champlain." Also that the House had concurred in the amendments proposed to the following resolutions, the resolution for the appointment of Justices of the peace in the County of Essex—the resolution respecting manufacturers and growers of wool.

The House sent up the following resolutions for concurrence, to wit, "Resolved, the Governor and Council concurring herein, that both houses meet in the representatives' room on Wednesday next at seven O'clock in the morning to adjourn the General Assembly without day," which was read and thereupon the following amendment was proposed: erase the word "Wednesday" and insert the word "Thursday," which amendment was read and adopted; whereupon resolved to concur in passing this resolution with said proposal of amendment. "Resolved, the Gov. and Council concurring herein, that both houses meet in County Conventions at eight o'clock this evening for the purpose of making nominations of road commissioners, and that they meet in Joint Committee in the representatives' room to morrow morning at the opening of the house for the purpose of electing such commissioners," which was read; whereupon resolved to concur in passing this resolution. Adjourned to 9 O'clock to morrow morning.

WEDNESDAY Nov. 14, 1827. 9 O'clock A. M.

The Gov. and Council met pursuant to adjournment. The House sent up the following resolution for concurrence—"Resolved, the Gov. and Council concurring herein, that the two houses meet in Joint Committee in the representatives' room, this evening at seven O'clock, for the purpose of electing a Jail Commissioner in the County of Franklin, in the place of Bates Turner, who has been elected a Justice of the Supreme Court," which was read; whereupon Resolved not to concur in passing this resolution and His Honor the Lieut. Gov. is appointed to assign reasons to the House.

The House sent up the following bill for revision and concurrence &c.—"An act for the relief of Jonathan Nelson," which was read; whereupon resolved to concur in passing this bill.

A message was received from the House by Mr. Bailey of Burlington, one of its members, informing that the House had resolved not to concur in the amendments proposed by the Gov. and Council to the bill entitled "An act relating to the taking of depositions," and after assigning the reasons of the House he withdrew.

On motion, Mr. Langdon had leave of absence granted him from and after to day for the remainder of the session. Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.—The Gov. and Council met pursuant to adjournment. The House sent up the following bills for revision and concurrence &c.—"An act making further provision for the relief of poor debtors," which was read and thereupon sundry amendments were proposed to the same which were read and adopted; whereupon Resolved to concur in passing this bill with said proposals of amendment and Mr. Roberts is appointed to assign the reasons to the House. Also "An act relating to the taking of depositions," which was read and thereupon amendments were proposed to the same which were read and adopted; whereupon Resolved to concur in passing this bill with said proposals of amendment and Mr. Thompson is appointed to assign reasons to the

House. "The Report and resolutions of the Committee raised on the resolutions from the State of Maine, relating to internal improvement," which was read; whereupon Resolved to concur in passing said resolution.¹ Adjourned to 6 O'clock P. M.

6 O'CLOCK P. M.—The Gov. and Council met pursuant to adjournment. The House sent up the following bill for revision and concurrence &c.—"An act altering the names of certain persons therein mentioned," which was read; and thereupon certain amendments were proposed to said bill which were read and adopted; whereupon resolved to concur in passing this bill with said proposals of amendment and Mr. Roberts is appointed to assign reasons to the House.

A message was received from the House by Mr. Collamer, one of its members, informing that the house had concurred in the first, second, fifth and eighth amendments proposed by the Governor and Council to the bill entitled "An act making further provision for the relief of poor debtors," and that the House had nonconcurred in the third, fourth, sixth, seventh and ninth amendments proposed to said bill, and after assigning the reasons of the House he withdrew; whereupon the Gov. and Council Resolved to suspend the passing of this bill until the next session of the legislature, of which the House were informed by written message. Adjourned to 7 O'clock to morrow morning.

THURSDAY Nov. 15, 1827. 7 O'clock A. M.

The Gov. and Council met pursuant to adjournment. A message was received from the House by Mr. Colburn, one of its members, informing that the House of representatives had on their part completed the business of the session and were ready to adjourn without day. Ordered that the Sec^y inform the House of Representatives that the Gov. and Council, having on their part completed the business of the session, will immediately attend in the representatives' room, agreeably to the joint resolution of the two houses, to adjourn the General Assembly without day. The Gov. and Council attended in the representatives room, and after an address to the throne of grace by the Chaplain, the General Assembly was adjourned without day. The Gov. and Council returned to their chamber and adjourned without day.

STATE OF VERMONT ss.—The foregoing is a true Journal of the proceedings of the Gov. and Council at their annual session in the year 1827.

DANIEL KELLOGG, Sec^y.

¹The report and resolution declared it inexpedient to express any opinion.—See printed *Acts* of 1827, p. 39.

DEBENTURE OF THE LIEUT. GOV. AND COUNCIL, 1827.	No. Miles Travel.	Am't of Travel.	No. days Att'nce.	Am't. of Att'nce.	Debenture.
Israel P. Dana	30	3.60	2	3.00	6.60
Truman Chittenden	30	3.60	2	3.00	6.60
Jabez Proctor	72	8.64	2	3.00	11.64
Lieut. Governor	85	10.20	31	124.00	134.20
Mr. Crafts	40	4.80	24	36.00	40.80
" Deming	30	3.60	34	51.00	54.60
" Fitch	42	5.04	35	52.50	57.54
" Holley	77	9.24	35	52.50	61.74
" Hopkinson	64	7.68	31	46.50	54.18
" Langdon	82	9.84	28	42.00	51.84
" Merrill	130	15.60	35	52.50	68.10
" Pierpoint	60	7.20	35	52.50	59.70
" Roberts	130	15.60	35	52.50	68.10
" Thompson	39	4.68	31	46.50	51.18
" Wetmore	40	7.20	35	52.50	59.70
" Worthington	1	12	34	51.00	51.12
Sheriff Keith	1	12	35	52.50	52.62
Deputy	12	1.44	35	52.50	53.94
Librarian	1	12	35	52.50	52.62
					<u>\$996.82</u>

The above was received of the Treasurer by the Sheriff of Washington County and by him paid over to the members of the Council &c.



Samuel C. Crafts

1874-1875

FIFTY-SECOND COUNCIL.

OCTOBER 1828 TO OCTOBER 1829.

SAMUEL C. CRAFTS, Craftsbury, *Governor*.¹

HENRY OLIN, Leicester, *Lieut. Governor*.

Councillors:

CHAUNCEY LANGDON, Castleton,	JEDEDIAH H. HARRIS, Strafford,
SETH WETMORE, St. Albans,	ABNER FORBES, Windsor,
ROBERT PIERPOINT, Rutland,	MYRON CLARK, Manchester,
JOHN C. THOMPSON, Burlington,	EZRA HOYT, New Haven,
GEO. WORTHINGTON, Montpelier,	IRA H. ALLEN, Irasburgh,
BENJAMIN F. DEMING, Danville,	SAMUEL CLARK, Brattleboro.

DANIEL KELLOGG, Rockingham, *Secretary* to Oct. 11, 1828.

GEORGE B. SHAW, Danville, *Secretary* from Oct. 11, 1828.

RAWSEL R. KEITH, Montpelier, *Shériff*.

CALVIN J. KEITH, Montpelier, *Librarian*.

POLITICAL NOTE.

The "era of good feeling" in Vermont, politically, closed with the election of 1827, and was followed by a division of the people into two parties—the predominant one soon taking the name of "National Republicans," and the minority first known as "The Jackson party" but speedily styling itself "Democratic." This change was not sharply defined, however, until the Presidential election in the autumn of 1828. In the preceding September, Gov. Crafts was elected without opposition, but it will be observed that six new members of the Council were elected. These were all National Republicans at that time; and subsequently all, who were living, were identified with the Whig party.

BIOGRAPHICAL NOTICES.

JEDEDIAH H. HARRIS, born in New Hampshire in 1784, came to Strafford at an early age and commenced business as a merchant, in

¹ For notice of Gov. Crafts see Vol. v, p. 239.

which he was very successfully engaged for many years, but for the last thirty years of his life he gave his personal attention to agriculture, and became an excellent example for the agricultural community in which he dwelt. Thoroughly informed as to the history of the country and of its public men, he was an active and influential politician, as the numerous public offices to which he was elected by the people attest. He represented Strafford in the General Assembly eight years, 1810 until 1813, 1814, and 1818 until 1822; was a delegate in the Constitutional Convention of 1814, assistant Judge of the County Court in 1821 and '22, member of the Council of Censors in 1827, Councillor 1828 until 1831, and he headed the list of Presidential Electors in 1844. From Judge Harris the Hon. JUSTIN S. MORRILL received that bent for politics and statesmanship, as bearing upon the practical business interests of the country, which has made him one of the most useful members in either house of Congress for a period of Congressional service already exceeding that of any other citizen of Vermont.—Judge Harris died March 8, 1855, aged nearly 71 years.—*Vt. Historical Magazine*, Vol. II, p. 1071; and *Vt. Legislative Directory* for 1876-7.

Gen. ABNER FORBES was for many years a successful merchant in Windsor, and as his capital increased he entered into partnership with promising young men elsewhere, having as early as 1803 entered into an extensive mercantile trade at Montpelier, with the late Col. James H. Langdon. Gen. Forbes represented Windsor in the General Assembly 1826 and '7, was Judge of Windsor County Court seven years, commencing in 1822, and was elected for the eighth term. He was Councillor Oct. 1828, until his death on the 29th of Dec. of that year.—*Deming's Catalogue*; and *Vt. Watchman & State Gazette*.

MYRON CLARK was Judge of Bennington County Court 1824 until 1827, Judge of Probate 1831 until 1835, and Councillor 1828 until 1831.—*Vt. Hist. Magazine*, Vol. I, title "Manchester"; and *Deming's Catalogue*.

EZRA HOYT, though not among the earliest settlers of New Haven, came to that town at an early day and became one of its most useful citizens. He represented the town in the General Assembly 1797-8, 1808, 1812 until 1815, 1817, 1821, and 1824; was Judge of Addison County Court 1813 until 1818 and in 1823; Judge of Probate 1824 until 1829, and Councillor 1828 until 1831. He was "a man of talents and public spirit, kind and urbane in his bearing."—*Deming's Catalogue*; and *Vt. Hist. Magazine*, Vol. I, p. 72.

IRA H. ALLEN, second son of Maj. Gen. Ira Allen, and of course nephew of Gen. Ethan Allen, was born in Colchester about 1792, where he dwelt until his removal to Irasburgh in 1814, to take charge of the lands in that town, all of which save the public rights then belonged to

his mother, and constituted probably nearly all that was left of the once immense estate of Ira Allen. In the management of this great property Mr. Allen was so fortunate as to gain the confidence and good will of all concerned, and establish a character that was honored wherever he was known. He represented Irasburgh in the General Assembly eleven years, 1818 until 1821, 1822 and '23, 1826 and '27, 1835, 1837 and '38, and 1840; was Clerk of Orleans County Court seventeen years, 1816 until 1824, and 1826 until 1835; was Councillor 1828 until 1831; and member of the Council of Censors in 1848. He died at Irasburgh, April 1866.

SAMUEL CLARK represented Brattleboro in the General Assembly 1820 and '21, and 1825 and '26; was Councillor 1828 until 1831; delegate in the Constitutional Convention of 1836, and Judge of Windham County Court in 1833.—*Deming's Catalogue*.

GEORGE B. SHAW first appears in the Vermont records as an attorney at Danville in 1821. He was Register of Probate in Caledonia County 1821 and '22; and Secretary of the Governor and Council 1828 until 1831. Mr. Shaw removed to Burlington and continued in his profession there until 1854. He reported the ninth and tenth volumes of the decisions of the Supreme Court.—*Deming's Catalogue*; and *Walton's Vermont Register*.

RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION WITH THE GENERAL ASSEMBLY AT MONTPELIER, OCTOBER 1828.

STATE OF VERMONT, ss.—A Journal of the proceedings of the Governor and Council of the State of Vermont, at their session, begun and holden at Montpelier, on the second Thursday of October, (being the ninth day of the month,) in the year of our LORD, one thousand eight hundred and twenty-eight, and of the Independence of the United States the fifty-third—Present, His Excellency Ezra Butler, Governor, His Honor Henry Olin, Lieut. Governor, The Hon. Samuel C. Crafts, Benjamin F. Deming, Orsamus C. Merrill, Chauncey Langdon, Robert Pierpoint, Lyman Fitch, John C. Thompson, George Worthington, & Seth Wetmore, Councillors.

A message was received from the House of Representatives, by Mr. Porter, one of its members, informing that the House had organized, by electing the Hon. Robert B. Bates Speaker pro tempore, and Timothy Merrill Esquire Clerk pro tempore, and were ready to receive any com-

munication which the Governor and Council might make. *Ordered*, That the Secretary inform the House of Representatives that His Excellency the Governor and a quorum of the Council are assembled in the Council Chamber and are ready to proceed to business.

A message was received from the House of Representatives by Mr. Warner of Poultney, one of its members, informing that the House had, on their part, appointed a Committee to receive, sort & count the votes for Governor, Lieut^h Governor, Treasurer and Councillors and requesting the Governor and Council to join in said appointment; Whereupon, *Resolved*, That the Governor and Council will now proceed to the appointment of such committee, on their part, and Mess^{rs} Olin, Langdon & Deming were appointed and duly sworn to the faithful discharge of their duty, and it was *Ordered*, that the Secretary inform the House of Representatives of such appointment. Adjourned to 4 o'clock P. M.¹

4 O'CLOCK P. M. — The Governor and Council met agreeably to adjournment. A message was received from the House of Representatives by Mr. Smith, one of its members, informing that the House are now ready to receive the report of the Canvassing Committee, and requesting the attendance of the Governor and Council in the Representatives' room. Whereupon it was *Ordered*, that the Secretary inform the House of Representatives that the Governor and Council will immediately attend in the Representatives' room to hear the report of the Canvassing Committee. The Governor and Council attended in the Representatives' room, when the following report was made to wit:

"To the Hon. General Assembly now sitting: The committee appointed to receive, sort and count the votes for Governor, Lieut. Governor, Treasurer and Councillors Report, That His Excellency Samuel C. Crafts is elected Governor. The Hon. Henry Olin is elected Lieut. Governor. Benjamin Swan Esq. is elected Treasurer. The Hon. George Worthington, Jedediah H. Harris, Seth Wetmore, Abner Forbes, John C. Thompson, Myron Clark, Ezra Hoyt, Robert Pierpoint, Ira H. Allen, Chauncey Langdon, Samuel Clark & Benjamin F. Deming are elected Councillors for the year ensuing.

JOHN SMITH, *Secretary*.

HENRY OLIN, *Chairman*."

Montpelier, Oct. 9th 1828.

Which report having been read, the Sheriff of Washington County made proclamations of said elections; and the Governor and Council returned to their Chamber. Adjourned to 9 o'clock to morrow morning.²

FRIDAY October 10, 1828. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. On motion of the Hon. Mr. Pierpoint, *Ordered*, That the Sheriff of Washington County be directed to new-cover the table in the Council Chamber.

A message was received from the House of Representatives by Mr. Hodges, one of its members, informing that the House had organized by electing the Hon. Robert B. Bates Speaker, Norman Williams Esq. Secretary of State, Timothy Merrill Esq. Clerk, & Oramel H. Smith Esq. Engrossing Clerk.

His Honor Henry Olin, Lieut. Governor elect, and the Hon. Myron Clark, Samuel Clark, George Worthington, Benjamin F. Deming, Jed-

¹The election sermon was preached by Rev. Jonathan Woodman.

²The votes for governor were for Samuel C. Crafts 16,285, and for Joel Doolittle 916.

ediah H. Harris, Ezra Hoyt, Robert Pierpoint, Seth Wetmore, Chauncey Langdon, & John C. Thompson took and subscribed the oaths of office before the Hon. Samuel Prentiss, one of the Justices of the Supreme Court, of which the Secretary was ordered to inform the House of Representatives.

The House sent up the following resolution for concurrence, to wit, "Resolved, the Governor & Council concurring herein, that both Houses meet in joint committee in the Representatives' room, at two o'clock this afternoon, for the purpose of electing a Chaplain of the General Assembly, for the year ensuing," Which was read and concurred in, & it was *Ordered*, that the Secretary inform the House of said concurrence. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. A large number of petitions from convicts confined in the State prison, were presented and filed.

The Hon. Abner Forbes appeared in the Council Chamber, was duly sworn, and took his seat.

The Governor and Council attended in the Representatives' room, and, in joint committee with the House, elected a Chaplain, after which they returned to their Chamber.¹

The petition of J. Anderson, a convict, confined in the State prison, was called up and read, whereupon, on motion of Mr. Pierpoint, *Ordered*, that said petition be dismissed. The petition of Ira Batchelder, for pardon, was taken up and read, whereupon, on motion of Mr. Wetmore, *Ordered*, that said petition be dismissed. The petition of Charles Baker, for pardon, was taken up and read,—Whereupon, on motion of Mr. Wetmore, *Ordered*, that said petition be dismissed. The petition of J. P. Brown, for pardon, was taken up and read. Whereupon, on motion of Mr. Langdon, *Ordered*, that said petition be dismissed.

The Governor and Council attended in the Representatives' room, when His Excellency, the Governor, took and subscribed the oaths of office, before the Hon. Samuel Prentiss, one of the Justices of the Supreme Court, and delivered the following Speech.² The Governor and Council then returned to their Chamber.

The House sent up for concurrence, the following resolution, "Resolved, The Governor and Council concurring herein, that both Houses meet in county conventions, on Saturday this week, at 4 o'clock in the afternoon, for the purpose of making nominations of county officers; and that they meet in joint committee in the Representatives' room, at the opening of the House, on Monday morning next, for the purpose of electing such officers." Which was read, Whereupon, *Resolved* to concur in passing said resolution, with the following proposals of amendment—to wit—"Strike out the words 'Saturday this week,' and insert 'Monday next.' Strike out the word 'Monday,' in the last line but one of the resolution, and insert 'Tuesday.'" *Ordered*, that the Secretary notify the House accordingly. Adjourned to 9 o'clock tomorrow morning.

SATURDAY October 11, 1828. 9 o'clock A. M.

The Governor and Council met pursuant to adjournment. The petition of Baptiste Crumas, a convict in the State prison, for pardon, was

¹ Rev. Jonathan Woodman was elected.

² For speech see *Appendix A*.

taken [up] and read, whereupon, on motion, *Ordered*, that said petition be dismissed.

The petition of George Clarke, a convict in the State prison, for pardon, was taken up and read, whereupon, on motion *Ordered*, that said petition be dismissed. The petition of I. Brown, a convict in the State prison, for pardon, was taken up and read, whereupon, on motion, *Ordered*, that said petition be dismissed. The petitions of the following convicts in the State prison, to wit, James Con. S. Clements, J. A. Carpenter, Stephen Coates, A. Duncan, William Davis, J. Ervine, Lewis Freemors, Caleb R. Gillett, T. Gilbert, William Fitz Patrick, John Gee, Joseph Hogg, William Hawley, Lucius Hill, John Hunt, J. Johnson, William Jones, S. Jones, John Jackson, Jesse Lucas, Joel B. King, W. Loux & M. Lillis, were severally taken up and read—and on motion were, severally, *Ordered* to be dismissed. The petition of Erastus Little, a convict in the State prison, was taken up, whereupon it was moved that the said Erastus Little be discharged from said prison, on condition of his leaving the State within thirty days, which motion was decided in the affirmative, Yeas 10, Nays 0. Those who voted in the affirmative are the Lieut. Governor, Mess^{rs} Clark of Bennington County, Clark of Windham county, Deming, Harris, Hoyt, Langdon, Pierpoint, Thompson, & Worthington. The petitions, for pardon of the following convicts in the State prison, to wit, James Murphy, Andrew Martin, Chester Mallery, C. Mellen, Neally Norris, A. Oleary, David O'Bryan, Jabesh K. Parkhurst, John Reynolds, C. Smith, George Stephens, Jesse Shupee, P. Shepard, T. J. Severance, H. Shepard, Z. Shipley, and T. Williams were severally taken up & read, & on motion, were severally *Ordered* to be dismissed.

The House sent up the following resolution for concurrence, to wit, "Resolved, The Governor and Council concurring herein, that both Houses meet in the representatives room, at ten o'clock, on Tuesday morning next, for the purpose of electing Judges of the Supreme Court."—Which being read—*Resolved*, to concur in passing said resolution & *Ordered*, that the Secretary notify the House accordingly.¹

The House sent up the following for concurrence in the reference, to wit—"An act to repeal part of an act therein mentioned," with an order of the House thereon that the same be referred to the Committee on Education; whereupon *Resolved* to concur in said order of reference. Also, The petition of John Lyman Jr. & others, with an order of the House thereon that it be referred to the Committee on Education, whereupon *Resolved* to concur in said order of reference. Also "An act to repeal an act therein named," with an order of the House thereon that it be referred to the General Committee, Whereupon *Resolved* to concur in said order of reference. Also The petition of the Selectmen of Brookline, with an order of the House thereon that it be referred to the General Committee, Whereupon *Resolved* to concur in said order of reference. Also The petition of N. Sampson and others, and the petition of Samuel French & others, with an order of reference on each to the General Committee, Whereupon *Resolved* to concur in said orders of reference. Also The petition of Stepen Hinsdell and others, with an order of the House thereon that it be referred to the Committee of Manufactures, Whereupon *Resolved* to concur in said order of reference. Also The petition of Josiah Dow, with an order of reference thereon to the Committee of Insolvency, Whereupon *Resolved* to concur in said order of

¹ Richard Skinner, Samuel Prentiss, Titus Hutchinson and Bates Turner were elected.

reference. Also the petition of Benjamin Bacon, and the petition of Truman Purdy, with an order of the House on each that they be referred to the committee of claims, Whereupon *Resolved* to concur in said orders of reference. Also The petition of Ira Hill and others, The petition of the selectmen of Kingston, The petition of the Inhabitants of Sunderland, The petition of James Miles and others, The petition of William Barney and others—"An act laying a tax of four cents on each acre of land in the town of Starksboro," with an order of reference on each to the Land Tax Committee, Whereupon *Resolved* to concur in said several orders of reference. Also The petition of Arthur McGowan, with an order of the House thereon that the same be referred to the Judiciary Committee; whereupon *Resolved* to concur in said order of reference. Also The petition of Eleazer Allen, and The petition of the town of Winhall, with an order of reference on each to the Committee of Ways and Means; Whereupon *Resolved* to concur in said several orders of reference.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. His Excellency the Governor was pleased to appoint George B. Shaw Secretary of the Governor and Council for the year ensuing, & he was sworn to the faithful discharge of his duty by the Hon. Mr. Pierpoint. Adjourned to Monday morning next, 9 o'clock A. M.

MONDAY October 13, 1828. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. Received from the House the following Resolution, to wit—"Resolved that the General committee be instructed to enquire into the expediency of repealing the 16th Section of an act entitled "an act to provide for the support of common schools," or so much of the same as provides that the board of commissioners for common schools shall prepare a list of school books from which they shall advise the superintending committee in the several towns to select the books to be used in the common schools in their respective towns; and report by bill or otherwise," which being read was, on motion, amended by erasing the words "General committee" and inserting in lieu thereof the words "Committee on Education," Whereupon *Resolved* to concur in passing said resolution as amended. *Ordered*, that the Secretary notify the House accordingly.

Received from the House the petition of the Inhabitants of Bolton, the petition of the Inhabitants of Richmond and the petition of the Inhabitants of Huntington, with an order of the House on each that the same be referred to the members of the House from Chittenden county to join from Council; whereupon, *Resolved*, to concur in said several orders of reference, and Mr. Thompson was appointed from Council. The House also sent up the following for concurrence in the reference, to wit, "An act laying a tax on the County of Caledonia," with an order of reference thereon to the members of the House from Caledonia county, to join from Council; Whereupon, *Resolved*, to concur in said order of reference, and Mr. Deming was appointed from Council. Also, The petition of Samuel Lockwood, with an order of reference thereon to the General Committee;—Also, The petition of John Warner & others, with an order of reference thereon to the committee on Military affairs;—Also, "An act for the relief of the town of Peru," with an order of reference thereon to the Committee of Ways & Means; Also, "An act, directing the Treasurer of this State to credit the town of Waterville the amount therein named," with an order of reference thereon to the committee of Ways and Means;

Also, The petition of Henry Stevens & others, with an order of reference thereon to the committee of Ways and Means; And "an act to discharge the town of Belvidere from the payment of the State tax in the year 1827" with an order of reference thereon to the committee of Ways and Means; Whereupon, *Resolved*, to concur in the several orders of reference.

Received from the House the report of the Auditor in the Treasury department, with an order of reference thereon to the committee of Ways and Means;—Whereupon, *Resolved*, to concur in said order of reference.

The House sent up the following, to wit—"An act laying a tax of four cents on each acre of land in the town of Fairlee," "An act laying a tax of _____ cents on each acre of land in the town of Wenlock," The remonstrance of Geo. Bidwell & others; The petition of Elisha Lapham & others; The petition of Jairus Stebbins & others; The petition of Charles Sampson & others; The petition of Otis Leland and others; "An act assessing a tax of _____ cents on each acre of land in the town of Ferdinand," The petition of Geo. W. Denison and others; "An act laying a tax of two cents on each acre of land in the town of Norton, Warren Gore, Avery's Gore & Warner's Gore," "An act, laying a tax of four cents on each acre of land in the town of Lewis," The petition of Abel Allton and others; The petition of Henry Whitney and others; The petition of the Selectmen of Coventry; The petition of the Selectmen of Marshfield; and The petition of Benj^r S. Clark & others, with an order of reference on each to the Land Tax Committee, Whereupon *Resolved*, to concur in said several orders of reference.

The House also sent up for concurrence in the reference the following to wit—The petition of Daniel Church and others, and the petition of John Phelps and others, with an order of reference on each to the committee on roads and canals; Whereupon *Resolved* to concur in said several orders of reference. Received from the House the following, to wit, "An act directing the Treasurer to pay Joseph Rollins the sum therein mentioned," The petition of Levi Hall, "An act directing the Treasurer of this State to pay Calvin Hugh the sum therein mentioned," The petition of Albe Davison; The petition of Nathan White; The petition of Daniel Bowen; "An act directing the Treasurer to pay David Morse the sum therein mentioned," and "An act directing the Treasurer of the State to credit the town of Dover the sum therein mentioned," with an order of reference on each to the committee of claims; Whereupon *Resolved* to concur in said several orders of reference. Also, received from the House "An act directing the Treasurer to pay Benjamin Blaney Sargeant the sum therein mentioned," with an order of reference thereon to the committee of claims, Whereupon *Resolved* to concur in said order of reference. Received also from the House the following, to wit—The Auditor's report of the school fund, with an order of reference thereon to the committee of Education; The petition of Elizabeth Haskel, with an order of reference thereon to the Judiciary committee, and the petition of Africa and John Davis, and "An act appointing a collector in the town of Middletown," with a like order of reference on each; Whereupon *Resolved* to concur in said several orders of reference.

The petition of William Jillet for a discharge from imprisonment was called up and read, and the question being put, "Shall the said William Jillett be discharged from imprisonment?" it was decided in the affirmative, as follows, to wit, Yeas 11, Nays 0. Those who voted in the affirmative were Mess^{rs} Clark of Bennington County, Clark of Windham County, Deming, Forbes, Harris, Hoyt, Langdon, Pierpoint, Thompson, Wetmore and Worthington.

Received from the House of Representatives a message, informing that they had appointed, agreeably to the rules of the House, the following standing committees in which they desired the Governor and Council to join, to wit—A committee of four, denominated the Committee of Ways and Means, A committee of four, denominated the Committee on Military Affairs, A committee of four, denominated the Judiciary Committee, A committee of four, denominated the Committee of Claims, A committee of four, denominated the Committee on roads and canals, A committee of four, denominated the Committee of Insolvency, A committee of four, denominated the Committee of Manufactures, A committee of four, denominated the Committee of Agriculture, A committee of four, denominated the Land Tax Committee, A committee of thirteen, denominated the General Committee, A committee of four, denominated the Committee on Education, Whereupon, *Resolved* to join in the appointment of said committees, and Mr. Wetmore was appointed on the Committee of Ways and Means, Mr. Clark of Bennington C^a was appointed on the Committee on Military Affairs, Mr. Thompson was appointed on the Judiciary Committee, Mr. Forbes was appointed on the Committee of Claims, Mr. Langdon was appointed on the Committee on Roads & Canals, Mr. Harris was appointed on the Committee of Insolvency, Mr. Clark of Windham C^a was appointed on the Committee of Manufactures, Mr. Hoyt was appointed on the Committee of Agriculture, Mr. Allen was appointed on the Land Tax Committee, Mr. Worthington was appointed on the General Committee, and Mr. Pierpoint was appointed on the Committee on Education.

Received from the House the following resolution, to wit, "In General Assembly Oct. 11, 1828. *Resolved*, The Governor and Council concurring herein, that thirty additional copies of the Journals of the General Assembly be annually deposited in the library for the use of the Legislature," which was read, Whereupon *Resolved* to concur in passing said resolution. Received also from the House the following resolution, to wit, "In General Assembly Oct. 11, 1828. *Resolved*, The Governor and Council concurring herein, that the Clerk of the General Assembly is hereby directed to cause to be printed and distributed to the members thereof, during the present session, and annually thereafter, the blanks which are required to be printed and distributed by an act, passed Nov. 11, 1827, entitled 'an act in addition to an act ascertaining the principles on which the list of this State shall be made and directing listers in their office and duty,'"; which was read, Whereupon *Resolved* to concur in passing said resolution. *Ordered* that the Secretary notify the House of Representatives of the concurrence of the Governor and Council in passing the two last mentioned resolutions.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment, and Adjourned to 9 o'clock to morrow morning.

TUESDAY Oct. 14. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. The House sent up for concurrence the following resolution to wit, "*Resolved*, the Governor and Council concurring herein, that both Houses meet in the representatives' room, on Tuesday, at 10 o'clock in the forenoon, to elect a person to preach the next election sermon, a Surveyor General for the State, and an Auditor of Accounts against the State, for the year ensuing," which being read was, on motion, amended, by erasing the word "Tuesday," and inserting in lieu thereof, the word

"Wednesday"—Whereupon, *Resolved*, to concur in passing said resolution, as amended, & *Ordered*, That the Secretary notify the House accordingly. The House also sent up for concurrence the following resolution, to wit—"Resolved, the Governor and Council concurring herein, that the General Committee be instructed to prepare and report to this House a bill for incorporating the wild lands in this State into the list with other property, for taxation"—which was read, Whereupon, *Ordered*, that said resolution lie upon the table. Received from the House the following resolutions, to wit—"Resolved, the Governor and Council concurring herein, that so much of His Excellency's speech as relates to common schools, be referred to the Committee on Education." "Resolved, The Governor and Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of so altering the probate law, as to authorize an appeal from the Judge of probate to the County Court"; "Resolved, The Governor and Council concurring herein, that so much of His Excellency's speech, as relates to land taxes, be referred to the Judiciary Committee," Which were severally read; Whereupon, *Resolved*, to concur in passing said several resolutions.

The House sent up the following, for concurrence in the reference, to wit,—The petition of the Inhabitants of School district N^o 18 in Springfield, with an order of reference thereon to the Judiciary Committee; "An act regulating shows and other exhibitions"; with an order of reference thereon to the Judiciary Committee; The petition of Gilbert Bradley 2^d. with an order of reference thereon to the Judiciary Committee; "An act, in addition to an act, entitled an act, constituting the Supreme Court of Judicature and County Courts, defining their powers, & regulating judicial proceedings," with an order of reference thereon to the Judiciary Committee. Whereupon, *Resolved*, to concur in said several orders of reference. Received from the House for concurrence in the reference, the following, to wit, The petition of John Rugg, with an order of the House thereon that the same be referred to a committee of two to join from Council, Whereupon, *Resolved*, to concur in said order of reference, and His Honor the Lieut. Governor was appointed from Council. The petition of Erastus Mazuzan, and The petition of Elizabeth Powell, with an order of the House on each that the same be referred to the committee raised on the petition of John Rugg; Whereupon, *Resolved*, to concur in said several orders of reference. Received also from the House, for concurrence in the reference, "An act, in alteration of 'an act, dividing the State into districts, for electing representatives to the Congress of the United States, and directing the mode of their election,'" with an order of the House thereon that the same be referred to a select committee of four to join from Council, Whereupon, *Resolved*, to concur in said order of reference, and His Honor, the Lieut. Governor, was appointed from Council. The petition of the town of Weathersfield, and The petition of Elias Lyman, and others, with an order of reference on each to the Committee on Roads & Canals; Whereupon, *Resolved*, to concur in said several orders of reference. The petitions of the towns of Stirling and Cambridge, with an order of the House thereon that the same be referred to a committee of two, to join from Council; Whereupon, *Resolved*, to concur in said order of reference, and M^r Deming was appointed from Council. Also, The petition of Samuel Cobb, and others; The petition of Zebina Cushman, and others; and The petition of Elijah Clark, & others, with an order of the House on each referring the same to the committee raised on the petition of Stirling and Cambridge; Whereupon, *Resolved*, to concur in said several orders of reference. Also, The petition of James Petrie & others, with an order of the House thereon referring the same to the Committee on Military

Affairs, also, The petition of Samuel B. Booth, with an order of reference thereon to the Committee of Claims; Also, "An act directing the Treasurer to credit the first constable of the town of Acton the sum therein mentioned," with an order of reference thereon to the Committee of Claims; Whereupon, *Resolved*, to concur in said several orders of reference. Also, the following, to wit,—The petition of Samuel Baker, and others; The petition of the Selectmen of Newbury; The petition of Timothy Matthews, and others; The petition of Ira H. Allen, and others; The petition of the Selectmen of Stowe, and the remonstrance of James A. Graves, and others, with an order of the House on each referring the same to the Land Tax Committee; Whereupon, *Resolved*, to concur in said several orders of reference. Also, "An act incorporating the Rutland Cotton Manufacturing Company," with an order of the House thereon, referring the same to the Committee of Manufactures; Whereupon, *Resolved*, to concur in said order of reference. Also, "An act, incorporating the female school Association of Middlebury," with an order of the House thereon, referring the same to the Committee on Education; and the petition of the town of Baltimore, with an order of the House thereon referring the same to the Committee of Ways & Means; Whereupon, *Resolved*, to concur in said several orders of reference.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. The petition of P. J. C. Johnson, a convict in the State prison, was called up and, on motion, *Ordered* to lie on the table and Wednesday morning next was assigned for acting on the same. The petition of Adonijah Hewett, a convict in the State prison, was called up, and the question being put, "Shall the said Hewett be discharged from the State prison?" it was determined in the affirmative. Yeas 11, Nays 0. Those who voted in the affirmative were, The Lieut. Governor, Messrs. Clark of Bennington County, Clark of Windham County, Deming, Forbes, Harris, Hoyt, Langdon, Pierpoint, Thompson & Worthington. The petition of Frederick Wade, a prisoner confined in the common Jail in Bennington, in the County of Bennington, on a conviction for the crime of theft, for a pardon, was taken up, and the question being put, "Shall a pardon be granted the said Frederick Wade?" it was determined in the affirmative—Yeas 11, Nays 0. Those who voted in the affirmative were, The Lieut. Governor, Messrs. Clark of Bennington County, Clark of Windham County, Deming, Forbes, Harris, Hoyt, Langdon, Pierpoint, Thompson and Worthington. Adjourned to 9 o'clock to morrow morning.

WEDNESDAY October 15. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. The Hon. Ira H. Allen, a member of the Council, appeared, was duly sworn and took his seat.

The House sent up the following resolutions for concurrence in passing—to wit—"Resolved, the Governor and Council concurring herein, that the General Committee be instructed to inquire into the expediency of providing by law for making a deduction in the lists of such persons as are in debt, at the rate of six per cent. on such sum, as such persons shall prove to the satisfaction of the listers that they are owing, over and above their money on hand and debts due, and report by bill or otherwise;" "Resolved, The Governor and Council concurring herein, that the judiciary Committee be directed to examine the Constitution of Vermont, and see what part thereof conveys the right to the House

of representatives to lay a direct tax on the people for the support of common schools, and report the same to this House ;" "Resolved, the Governor and Council concurring herein, that the Committee on Education be instructed to inquire whether any, and if any, what further provision is necessary for rendering permanently secure the school fund, considering its increasing and anticipated future amount ;" Resolved, The Governor and Council concurring herein, that so much of his Excellency's speech as relates to banks be referred to a committee of four members of this House to join from Council." Whereupon, *Resolved* to concur in passing said several resolutions, and Mr. Deming was appointed from Council on the last mentioned resolution.

Received from the House the following for concurrence in the reference, to wit, The petition of Samuel E. Chalker and others, with an order of the House thereon that the same be referred to a committee of two to join from Council ; Whereupon, *Resolved* to concur in said order of reference and the Lieut. Governor was appointed from Council. The petition of John Kilburn, with an order of the House thereon that the same be referred to a select committee of two to join from Council ; Whereupon *Resolved* to concur in said order of reference and Mr. Harris was appointed from Council. The petition of the Selectmen of Belvidere, with an order of the House thereon that the same be referred to a committee of two to join from Council ; Whereupon *Resolved* to concur in said order of reference and Mr. Wetmore was appointed from Council. The petition of Benjamin Rolfe and others, with an order of the House thereon that the same be referred to the committee on the petition of the Selectmen of Belvidere ; Whereupon *Resolved* to concur in said order of reference. The petition of the Selectmen of Eden, with an order of reference thereon to the committee on the petition of the Selectmen of Belvidere ; Whereupon *Resolved* to concur in said order of reference. The petition of Elijah Loomis with an order of reference thereon to a committee of two to join from Council ; Whereupon *Resolved* to concur in said order of reference and Mr. Wetmore was appointed from Council. The petition of William Mott, with an order of reference thereon to the committee on the petition of Elijah Loomis ; Whereupon *Resolved* to concur in said order of reference. Received also from the House The remonstrance of the proprietors of the town of Peru ; & "An act laying a tax of four cents on each acre of land in the town of Canaan," with an order of reference on each to the Land Tax Committee. Also "An act directing the Treasurer of the State to credit the town of Dover the sum therein mentioned," with an order of reference thereon to the Committee of Claims. Also, "An act to repeal part of an act therein mentioned," with an order of reference thereon to the Committee on Education. Also "An act in addition to an act regulating conveyances of real estate and for the prevention of frauds therein," with an order of reference thereon to the Judiciary Committee. Also The petition of Elijah Furguson and others, with an order of reference thereon to the Judiciary Committee ; whereupon *Resolved* to concur in said several orders of reference.

The House sent up the following resolution, to wit—"Resolved, that the Committee on Military Affairs be instructed to inquire into the expediency of so far altering the Militia laws of this State as to prohibit the calling out of the militia, in times of peace, for any military exercise, on the Saturday of any week. Also, so as to regulate the officers in the several companies, in cases of absence for a less term than one year ; and to report by bill or otherwise," which was read, Whereupon, *Resolved* to concur in passing said resolution.

Received, also from the House, The petition of Ira Coolidge and others, and the petition of the Officers of the Northfield Artillery, with

an order of the House on each referring the same to the Committee on Military Affairs; whereupon *Resolved* to concur in said several orders of reference. Also, the petition of Edwin M. Runnels, with an order of the House thereon, referring the same to the committee on the petition of John Rugg; whereupon *Resolved* to concur in said order of reference.

The resolution of the House, instructing the General Committee to inquire into the expediency of repealing the 16th section of "an act to provide for the support of common schools &c." which was amended by the Governor and Council on the 13th Instant, by erasing the words "General Committee" and inserting in lieu thereof the words "Committee on Education," was received from the House, with an indorsement thereon that it had concurred in said amendment.

A message was received from the Speaker of the House of representatives, informing that the House had concurred in the amendments proposed by the Governor and Council to the resolution assigning a time for the meeting of both Houses for the election of a person to preach the next election sermon, a Surveyor General, and an Auditor of accounts against the State:—Which was read.

On motion of Mr. Clark of Windham County it was *Ordered*, that when the Governor and Council do adjourn, they will adjourn to 9 o'clock to-morrow morning.

The petition of Peter J. C. Johnson, a convict in the State prison, for the consideration of which this morning was assigned, was called up, and the question being put "Shall the said Johnson be discharged from the State prison?" it was determined in the affirmative;—Yeas 13, Nays 0. Those, who voted in the affirmative, were the Lieut. Governor, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Deming, Forbes, Harris, Hoyt, Langdon, Pierpoint, Thompson, Wetmore and Worthington. On motion of Mr. Pierpoint, the vote, dismissing the petition of Lewis Freemorz, was reconsidered, and the question being put, "Shall the said Freemorz be discharged from the State prison?" it was determined in the affirmative, Yeas 10, Nays 2. Those, who voted in the affirmative, were, The Lieut. Governor, Mr. Allen, Mr. Clark of Bennington County, Mr. Clark of Windham County, Messrs. Deming, Hoyt, Pierpoint, Thompson, Wetmore and Worthington. Those, who voted in the negative, were Messrs. Forbes and Harris. The petition of William Stockwell, a convict in the State prison, was ordered to lie on the table. The petition of John Canada, a convict in the State prison, was, on motion, taken up and read—Whereupon, on motion, *Ordered*, that said petition be dismissed. Adjourned to 9 o'clock to-morrow morning.

THURSDAY Oct. 16. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. The House sent up the following for concurrence in the reference, to wit, the petition of the President, Directors and Company of the Bank of Rutland, with an order of reference thereon to a select committee of four, to join from Council. Whereupon, *Resolved* to concur in said order of reference, and the Lieut. Governor was appointed from Council;—The petition of Luther Weld, with an order of reference thereon to a Com-

¹ The following elections were made in Joint Assembly: Rev. Charles Walker to preach the then next election sermon, and Rev. Worthington Smith substitute; Calvin C. Waller Surveyor General; and David Pierce Auditor of Accounts.

mittee of four to join from Council; Whereupon, *Resolved*, To concur in said order of reference, and Mr. Pierpoint was appointed from Council. The petition of John Doolittle and others, with an order of reference thereon to the Committee on Roads and Canals; Whereupon, *Resolved*, To concur in said order of reference; The petition of Welcome Freeman, with an order of reference thereon to the Committee of Ways and Means;—Whereupon, *Resolved*, To concur in said order of reference. Also, "An act, directing the Treasurer to pay Moses Morse the sum therein mentioned," with an order of reference thereon to the Committee of Claims; Whereupon, *Resolved*, To concur in said order of reference. Also, "An act incorporating certain persons therein named, by the name of the Vergennes hemp manufacturing Company," with an order of reference thereon to the Committee on Manufactures; Whereupon, *Resolved*, To concur in said order of reference;—Also, The petition of Joseph C. Hollister & others; The petition of Abner Allyn & others; The petition of the Select-men of Goshen; and The petition of Joshua Wade & others, with an order of reference on each to the Land Tax Committee; Whereupon, *Resolved*, To concur in said several orders of reference. Also, The petition of Luther F. Gates and others, and The petition of Nathan Young and others, with an order of reference on each to the Committee on Military Affairs;—Whereupon, *Resolved*, To concur in said several orders of reference;—Also, The petition of the Fairhaven Turnpike Company, with an order of reference thereon to the Committee on Roads and Canals; Whereupon, *Resolved*, To concur in said order of reference.

The House sent up for concurrence in passing, the following resolutions—to wit—"Resolved, that the Committee on Military Affairs be instructed to inquire into the expediency of passing an act, requiring towns to be provided, at all times, with a certain quantity of ammunition, and providing for the safe-keeping and disposition of the same.—Also, to inquire whether any provision, by law, be necessary to insure the safe-keeping of the arms, heretofore distributed to the several towns in this State." "Resolved, The Governor and Council concurring herein, that the Committee on Roads and Canals be instructed to inquire into the expediency of reporting a bill, whereby the Select-men of any town in this State shall be empowered to draw money from the treasury of their respective towns, (not exceeding the amount of dollars) for the purpose of building or repairing roads and bridges, in all cases, where the same shall have become entirely impassable, by reason of any extraordinary freshet or other cause";—"Resolved, The Governor and Council concurring herein, that the Committee, to whom was referred the bill entitled 'An act, in alteration of an act, dividing the State into districts, for the purpose of electing representatives to Congress' &c. be directed to inquire into the expediency of taking from the first congressional district, the towns of Pawlet, Danby and Mount-Tabor in the County of Rutland, and annexing the same to the second congressional district; and report by bill, or otherwise"; "Resolved, The Governor and Council concurring herein, that the Committee on Education be instructed to report a bill, whereby a part of the inhabitants of any town in this State, who shall heretofore have united with any number of inhabitants in an adjoining town or towns, in this State, for the purpose of supporting a school, agreeably to the laws of this State, relating to schools, shall be empowered to with-draw themselves from the town or towns, with which they had formerly been united, and be formed into a separate district, or united with another district, in their own town"; Which were severally read; Whereupon, *Resolved*, To concur in passing said several resolutions.

The resolution relating to the incorporation of the wild lands in this State into the list with other property for taxation, which, on the 14th instant, was ordered to lie on the table, was called up, and, on motion, amended by erasing the words "prepare and report to this House a bill for," and inserting, in lieu thereof, the words, "inquire into the expediency of,"—Whereupon, *Resolved*, To concur in passing said resolution, as amended, & *Ordered*, That the Secretary notify the House accordingly.

Mr. Harris moved to reconsider the vote of the 11th instant, dismissing the petition of Jacob Johnson, a convict in the State prison, which motion, being put, was determined in the negative. The petition of James Weston, a convict in the State prison, was called up, and, on motion, *Ordered* That said petition be dismissed. The petition of John Stacy, a convict in the State prison, was called up, and the question, being put, "Shall the said John Stacy be discharged from the State prison?" was determined in the affirmative. Yeas 6, Nays 5. Those, who voted in the affirmative, were, The Lieut. Governor, Messrs. Clark of Windham County, Hoyt, Langdon, Thompson & Worthington. Those who voted in the negative, were Messrs. Allen, Clark of Bennington County, Deming, Forbes and Harris. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. On motion of Mr. Harris, the petition of William Stockwell, which was yesterday laid on the table, was taken up, and the question being put, "Shall the said William Stockwell be discharged from the State prison?" it was determined in the affirmative. Yeas 6, nays 4. Those, who voted in the affirmative, were, the Lieut. Governor, Messrs. Allen, Clark of Bennington County, Deming, Forbes & Wetmore. Those, who voted in the negative, were Messrs. Clark of Windham County, Harris, Hoyt and Thompson. On motion of Mr. Forbes, the vote of the 11th instant, dismissing the petition of Jabez K. Parkhurst, was reconsidered, and said petition was ordered to lie on the table. The petition of David Fowler, a convict in the State prison, was called up, and on motion of Mr. Clark of Bennington County, ordered to lie on the table.

Received from the House of Representatives the petition of John H. Campbell, with an order of reference thereon to the Committee on roads and canals; Whereupon *Resolved* To concur in said order of reference.

Adjourned to 9 o'clock tomorrow morning.

FRIDAY Oct. 17. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. The House sent up, for concurrence in passing, the following resolutions, to wit, "Resolved, The Governor and Council concurring herein, that both Houses meet in the Representatives' room, on Monday next, at ten o'clock, fore-noon, for the purpose of electing a Major-General in the second division." Which was read and, on motion, amended, by striking out the words "10 o'clock forenoon," and inserting, in lieu thereof, the words "at the opening of the House in the afternoon." Whereupon, *Resolved*, to concur in passing said resolution as amended, & *Ordered*, That the Secretary notify the House accordingly. Received, also, the following, to wit—"Resolved, the Governor and Council concurring herein, that the Committee of Ways and Means be directed to inquire and report to this House, whether the Agent, appointed by an act of the General Assembly, entitled "an act making provisions for settling the concerns of the Vermont State Bank," passed Nov. 6, 1823,

has, in all things, complied with the requisitions of said act." Which was read, Whereupon, *Resolved* to concur in passing said resolution. Received also the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of extending the right of Trustee process against debtors, who shall be committed to prison, in cases where they shall refuse to disclose and surrender their property for the benefit of their creditors, the same as though they were concealed or absconding debtors," which was read, Whereupon *Resolved* to concur in passing said resolution. Received also the following resolution; to wit, "Resolved, the Governor and Council concurring herein, that the Committee on Manufactures be instructed to inquire into the expediency of passing a law, making the private property of the members of manufacturing corporations, hereafter to be created, liable or responsible for the debts of the said corporations." Which was read, Whereupon, *Resolved* to concur in passing said resolution. Received, also, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the Judiciary Committee be directed to inquire into the expediency of providing by law, that whenever any machinery, in any manufacturing establishment, subject to damage by removal, shall be attached on any mesne process, or taken on Execution, the officers, serving such process, be authorized to serve the same in the same manner as is now provided by law for the service of such process on hay and grain in the straw." Which was read; Whereupon *Resolved* to concur in passing said resolution. Rec^d also, from the House, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the General Committee be instructed to inquire into the expediency of providing by law for appeals from all judgments, orders and decrees of road commissioners, and report by bill or otherwise," which was read; Whereupon *Resolved* to concur in passing said resolution. Received, also, the following resolution, to wit—"Resolved, the Governor and Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of so amending the first section of an act entitled 'an act directing the levying and serving executions,' as more particularly to specify what articles of personal property shall be exempt from attachment on mesne process and final execution; and report by bill or otherwise," Which was read, Whereupon, *Resolved* to concur in passing said resolution.

Received, also, for concurrence in the reference, the following, to wit, "An act in addition to an act entitled an act ascertaining the principles on which the list of this State shall be made and directing listers in their office and duty." Also "An act repealing an act therein mentioned." Also "An act in addition to and alteration of an act entitled an act in addition to the several acts for laying out, making and repairing highways, passed Nov. 13, 1827," with an order of reference on each to the General Committee; Whereupon *Resolved* to concur in said several orders of reference. Also, The petitions of the Inhabitants of Johnson, Stirling and Waterville, with an order of reference on each to a select committee of four to join from Council; Whereupon *Resolved* to concur in said order of reference, and the Lieut. Governor was appointed from Council. Also The petition of the Selectmen of Eden; The petition of the Selectmen of Morristown; The petition of the Selectmen of Hyde-park; The petition of the Selectmen of Wolcott; and The petition of the Selectmen of Belvidere; with an order of reference on each to the committee raised on the petitions of the towns of Stirling, Johnson and Waterville; Whereupon *Resolved* to concur in said several orders of reference. Also, The petition of Zelotes Morse, with an order of reference

thereon to a committee of two to join from Council, Whereupon *Resolved* to concur in said order of reference, and Mr. Harris was appointed from Council. Also, "An act for the relief of Solomon Wright," with an order of reference thereon to the members of the House of Representatives from Bennington County, to join from Council; Whereupon *Resolved* to concur in said order of reference, and Mr. Clark of Bennington County was appointed from Council. Received, also, The account current of the Superintendant of the Vermont State prison: The report of the Superintendant of the Vermont State prison; and the Inventory and appraisal of the property belonging to the Vermont State prison, with an order of reference thereon to the Committee of Ways and Means; Whereupon *Resolved* to concur in said orders of reference. Also, The petition of Ambrose Taylor and others, with an order of reference thereon to the Committee on Military Affairs; Whereupon *Resolved* to concur in said order of reference. Also, "An act to abolish imprisonment for debt," & The petition of the inhabitants of Shrewsbury and others, with an order of reference on each to the Judiciary Committee; Whereupon *Resolved* to concur in said several orders of reference. Also, The petition of Emory Gale and others; The petition of Elijah G. Bingham and others; The petition of inhabitants of Brookfield, and The petition of the president & directors of the Rutland and Stockbridge Turnpike Company, with an order of reference on each to the Committee on roads and cadals; Whereupon *Resolved* to concur in said several orders of reference. Also, The account of Rich Stevens against the State, which had been disallowed by the Auditor & by him referred to the General Assembly; The petition of Nahum Jennison & others; The petition of Jacob Kent; and The petition of Azariah Webb; with an order of reference on each to the Committee of Claims; Whereupon *Resolved* to concur in said several orders of reference. Also, The petition of the Corporation of the Rutland County Grammar School, with an order of reference thereon to the Committee on Education; Whereupon *Resolved* to concur in said order of reference.

The resolution of the House, of the 13th instant, relating to the incorporation of wild lands into the list of property for taxation, which was amended by the Governor and Council, on the 16 instant, was sent up from the House with an endorsement thereon that the House had concurred in the amendment.

Received also from the House an engrossed bill entitled "An act directing the Treasurer of this State to pay Daniel Bowen the sum therein mentioned," which was sent up to the Governor and Council for their revision and concurrence or proposals of amendment, Which was read, Whereupon, *Resolved* to concur in passing said bill, & the Sec^y was ordered to notify the House thereof.

The petition of David Fowler, which was yesterday laid on the table, was taken up, and the question being put "Shall the said David Fowler be discharged from the State prison, on condition of leaving this State within sixty days?" it was determined in the affirmative—Yeas 8, Nays 4. Those who voted in the affirmative were Messrs. Clark of Windham County, Deming, Forbes, Harris, Hoyt, Thompson, Wetmore and Worthington. Those, who voted in the negative, were the Lieut. Governor, Messrs. Allen, Clark of Bennington County and Langdon. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. The House sent up the following for concurrence in the reference, to wit—"An act, directing the Treasurer to remit to John F. Austin the sum therein mentioned"; with an order thereon that the

same be referred to a committee of two, to join from Council. Whereupon, *Resolved* to concur in said order of reference, and Mr. Clark, of Windham County, was appointed from Council.

The petition, for pardon, of Ceril Hyde, a convict in the State prison, was called up, and the question being put "Shall a pardon be granted the said Ceril Hyde?" it was determined in the affirmative. Yeas 12, Nays 0. Those who voted in the affirmative, were, the Lieut. Governor, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Deming, Forbes, Harris, Hoyt, Langdon, Pierpoint, Thompson and Worthington. The petition of Richard Collier, a convict in the State prison, was called up, and, on motion, ordered to lie on the table. Adjourned to 9 o'clock to-morrow morning.

SATURDAY Oct. 18, 1828. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. The House sent up the following resolutions for concurrence in passing, to wit, "Resolved, the Governor and Council concurring herein, that the Committee on Manufactures be directed to inquire into the expediency of repealing such parts of existing laws as relate to Leather sealers, in their office and duty: and report by bill or otherwise"; "Resolved, the Governor and Council concurring herein, that the General Committee be directed to inquire into the expediency of revising and reducing into one the several acts for laying, making and repairing highways, and building bridges; and report by bill or otherwise"; "Resolved, the Governor and Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of passing a law to establish an uniformity in taxing the mileage of the members of the General Assembly, and report by bill or otherwise"; "Resolved, the Governor and Council concurring herein, that the General Committee be instructed to inquire into the expediency of passing a law, for the purpose of preserving or guarding the public bridges of this state from the injury that may arise from the passing those bridges with large droves of cattle"; "Resolved, the Governor and Council concurring herein, that the General Committee be instructed to inquire into the expediency of passing a law, authorizing and requiring the several towns, in their annual March meeting, to nominate the justices of the peace in said town, and also of limiting the number of the justices of the peace to be appointed in each town, and to apportion them among the several towns according to the population, in such manner, however, that each town be entitled to a number not less than two, and no town to a greater number than ten"; "Resolved, the Governor and Council concurring herein, that the Committee on Military Affairs be instructed to inquire whether any, and if any, what alterations are necessary in the militia law of this State; and particularly, whether the people may not (without any detriment to the public welfare,) be relieved from the burthen of such frequent trainings of the militia, as are now required by law; and that they report by bill or otherwise"; Which resolutions were severally read; Whereupon, *Resolved*, to concur in passing said resolutions.

Received also from the House, the following for concurrence in the reference, to wit, The petition of Joseph A. Curtis & others, with an order thereon referring the same to the members of the House of Representatives from the County of Addison to join from Council; Whereupon, *Resolved* to concur in said order of reference and Mr. Hoyt was appointed from Council; Also, "An act incorporating certain persons therein named, by the name of the Middlebury Fire Society"; with an

order of the House thereon referring the same to a committee of two to join from Council; Whereupon, *Resolved* to concur in said order of reference, and Mr. Deming was appointed from Council; Also, "An act to repeal an act, entitled 'An act to preserve fish in the waters in Starksboro,' " with an order of the House thereon, referring the same to a select committee of two, to join from Council; Whereupon, *Resolved*, to concur in said order of reference, and the Lieut. Governor was appointed from Council; Also, A communication to the House from His Excellency the Governor, transmitting, 1st. A report of a special committee of the Senate of the State of South Carolina. 2^d. A report adopted by the Legislature of the State of Georgia; and 3^d. A report and resolutions of the General Assembly of the State of Ohio, with an order of the House thereon referring the same to a select committee of two, to join from Council. Whereupon, *Resolved* to concur in said order of reference, and Mr. Pierpoint was appointed from Council. Also, The petition of Isaac Doolittle and others; and The petition of Asahel Smith and others; with an order of reference on each to the Judiciary Committee, Whereupon, *Resolved* to concur in said several orders of reference; Also, "An act directing the Treasurer to pay Edmund George the sum therein mentioned," with an order of reference thereon to the Committee of Claims; "An act, incorporating the Black River Canal and manufacturing Company, with an order of reference thereon to the Committee of Manufactures; The petition of the Selectmen of Brookline, with an order of reference thereon to the Committee on Roads & Canals; and The petition of the Selectmen of Warren, with an order of reference thereon to the Land Tax Committee; Whereupon, *Resolved* to concur in said several orders of reference.

Received, also from the House, an engrossed bill, entitled "An act in alteration of 'an act, dividing the State into districts, for electing representatives to the Congress of the United States, and directing the mode of their election'": which was sent up to the Governor and Council for their revision and concurrence or proposals of amendment. Which was read, Whereupon, *Resolved* to concur in passing said bill, & *Ordered*, that the Sec^y notify the House thereof.

The petition of Josiah Sims, a state prison convict, was called up, and the question being put, "Shall the said Josiah Sims be discharged on condition of leaving the State within sixty days?" it was determined in the affirmative. Yeas 13, Nays 0. Those who voted in the affirmative were, The Lieut. Governor, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Deming, Forbes, Harris, Hoyt, Langdon, Pierpoint, Thompson, Wetmore and Worthington. The petition of Russell W. Curtis, a convict, confined in the State prison, was called up, and the question being put, "Shall the said Russell W. Curtis be discharged?" it was determined in the affirmative. Yeas 9. Nays 4. Those, who voted in the affirmative, were, the Lieut. Governor, Messrs. Clark of Bennington County, Clark of Windham County, Forbes, Hoyt, Langdon, Thompson, Wetmore and Worthington. Those who voted in the negative, were Messrs. Allen, Deming, Harris and Pierpoint. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. The House sent up, for concurrence, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that both Houses meet in the Representatives' room, on Monday next, at the opening of the House in the afternoon, to elect a Superintendent of the State's prison, for the year ensuing," which was read, Whereupon,

Resolved to concur in passing said resolution, & the Sec^y was ordered to notify the House thereof.¹

A communication was received from the Hon. Robert B. Bates, Speaker of the House of Representatives, informing that the House had concurred in the amendments, proposed, by the Governor and Council, to the resolution, assigning a time for the meeting of both Houses for the purpose of electing a Major General of the second division of militia; which was read.

The petition of David W. Older, a convict, confined in the State prison, was called up. Whereupon, on motion, it was *Ordered* that said petition be dismissed. The petition of James Allton, a convict, confined in the State prison, was called up, and the question being put, "Shall the said James Allton be discharged on condition that he leave the State within twenty days?" it was determined in the affirmative. Yeas 6 [5,] Nays 3. Those who voted in the affirmative were, the Lieut. Governor, Deming, Harris, Wetmore & Worthington. Those who voted in the negative, were Messrs. Clark of Bennington County, Clark of Windham County and Forbes.

His Honor, the Lieut. Governor, introduced the following resolution, to wit, "Resolved, that whenever the Governor and Council shall suspend the passing of a bill into a law, the Secretary shall certify the same on such bill, and transmit the same to the General Assembly," which was read and *Ordered* to lie on the table. Adjourned to 9 o'clock Monday morning.

MONDAY Oct. 20, 1828. 9 o'clock A M.

The Governor and Council met agreeably to adjournment.

The House sent up the following resolutions for concurrence in passing, to wit, "Resolved, the Governor and Council concurring herein, that the Judiciary Committee be instructed to inquire what alteration, if any, is necessary in the second section of an act entitled 'an act directing the mode of election of Governor, Lieut. Governor, Councillors and representatives,' & report by bill or otherwise;" "Resolved, the Governor and Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of passing a law, authorising an investigation, by way of a committee or otherwise, into the several grants for lotteries in this State:—whether the objects of the grants have been accomplished; whether the moneys authorized have been raised & properly applied; and generally for the purpose of obtaining a full statement of the present situation of all the outstanding lottery grants authorized by this State;—to be reported to the next session of the legislature," which were severally read: Whereupon *Resolved* to concur in passing said resolutions. Rec^d also the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that in any town in this State, wherein the number of inhabitants shall not exceed five hundred, the number of Justices shall not exceed two; in every town wherein the number of Inhabitants shall not exceed twelve hundred, the number of Justices shall not exceed four;—and in no town in this State shall the number of Justices exceed six," with an order of the House thereon referring the same to the Judiciary Committee; which resolution was read, Whereupon *Resolved* to concur in passing said resolution and in said order of reference.

Received, also, from the House, for concurrence in the reference, the following, to wit, "An act explanatory of an act entitled, an act defining

¹ John H. Cotton was elected.

the power of Justices of the peace within this State," "An act for the relief of Cyrus Carrier," "An act authorizing the town of Bridgewater to hold stock in the Sherburne Turnpike Company;" and "An act in addition to the several acts regulating judicial proceedings," with an order of reference on each to the judiciary Committee; Whereupon, *Resolved* to concur in said several orders of reference.

Rec^d. also, for concurrence in passing, the following resolution, to wit— "Resolved, the Governor and Council concurring herein, that the General Committee be instructed to inquire into the expediency of reporting a bill to this House, providing for an annual statistical return to this House, of the number of paupers in each town in this State—the mode adopted by each town for their support; the amount annually expended, and the expense of law suits &c. &c." which was read;— Whereupon, *Resolved*, to concur in passing said resolution.

Received, also, the following, for concurrence in the reference, to wit, "An act for the relief of the town of Windham in the County of Windham," with an order of reference thereon to the Committee on roads and canals; Also, "An act, incorporating the American Hydraulic Company," with an order of reference thereon to the Committee on Manufactures; & The petition of Joel Doolittle, with an order of reference thereon to the Committee of Claims; Whereupon, *Resolved* to concur in said several orders of reference. Received, also, the following, to wit, "An act, annexing Woodbury, in the County of Caledonia, to the County of Washington"; with an order of reference thereon to the members of the House of Representatives from the Counties of Washington and Caledonia, to join from Council; Whereupon, on motion, it was *Ordered*, that said bill lie on the table.

His Honor, the Lieut. Governor, was, on motion, discharged from acting on the committee raised on the resolution of the House of Representatives, of the 16th instant, in relation to the annexation of certain towns, now belonging to the first Congressional district, to the second Congressional district, and Mr. Forbes was appointed in his stead.

The following petitions of convicts in the State prison were severally called up, to wit, The petition of Charles Ball; The petition of Thomas H. Bartlett; The petition of Basil Bourge; The petition of Lewis Baldwin; The petition of Russell Briggs; The petition of Esek Comstock; and The petition of George Craig; and were, severally *Ordered* to be dismissed. The petition of Moses Clough, a convict in the State prison, was called up, and the question being put, "Shall the said Moses Clough be discharged?" it was determined in the negative, Yeas 5, Nays 7. Those, who voted in the affirmative, were, Messrs. Clark of Windham County, Deming, Pierpoint, Wetmore and Worthington. Those, who voted in the negative, were, the Lieut. Governor, Mess^{rs}. Clark of Bennington County, Allen, Forbes, Harris, Hoyt & Langdon. On motion of Mr. Pierpoint, the vote of the 11th instant, dismissing the petition of Thomas Gilbert, a convict in the State prison, was reconsidered, and the question being put, "Shall the said Thomas Gilbert be discharged from the State prison, on condition of leaving the State within thirty days?" it was determined in the affirmative. Yeas 9, Nays 3. Those, who voted in the affirmative, were, the Lieut. Governor, Mess^{rs}. Clark of Windham County, Deming, Forbes, Harris, Hoyt, Pierpoint, Wetmore and Worthington. Those, who voted in the negative, were, Messrs. Allen, Clark of Bennington County and Langdon. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. The petition of Peter Brookshaw, a prisoner confined in the

common gaol in the County of Rutland, on a sentence of the County Court of said county, holden on the second Tuesday of September A. D. 1828, upon a conviction before said court of the crime of theft, for the remission of the fine and costs in said case,—was called up and the question being put, "Shall said fine and cost be remitted, on condition that said Brookshaw leave the State within twenty days?" it was determined in the affirmative. Yeas 11, Nays 0. Those, who voted in the affirmative were the Lieut. Governor, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Deming, Forbes, Harris, Langdon, Pierpoint, Wetmore & Worthington.

The Governor and Council attended in the Representatives' room, for the election, by joint ballot, of a major general of second division of the militia of this state, a brigadier general of the first brigade of the second division, and a Superintendent of the State prison, after which they returned to their chamber.¹

On motion of Mr. Deming, the bill annexing Woodbury in the County of Caledonia to the County of Washington, which was, this morning, ordered to lie on the table, was called up; whereupon, *Resolved* to non-concur in the order of reference thereon, and Mr. Deming was appointed to assign reasons, who reported the following, to wit, "The Governor and Council assign the following reasons for non-concurring with the Hon. House of Representatives, in the reference of the accompanying bill, to wit, that the members of the counties of Caledonia & Washington are interested in the decision of the question, & that, if the House of Representatives deem it a proper subject of inquiry, at the present time, it ought, in the opinion of the Governor and Council, to be referred to a committee entirely disinterested," which were read and adopted, and *Ordered* that the Secretary return said bill, with the reasons aforesaid to the House of Representatives.

The petition of Richard H. Nicholson, a prisoner, confined in the common gaol in Rutland County, on a sentence of the County Court of said County, at their September Term 1828, upon a conviction before said court for assault & battery, for the remission of fine and costs, was taken up; whereupon, it was *Ordered* that said petition be dismissed. The petition of Jonathan Crandall, jr. a prisoner, confined in the common gaol in Rutland County, on a sentence of the County Court of said County, at their September Term, A. D. 1828, upon a conviction before said Court, for an assault and battery, for a discharge from said fine and costs, was taken up, and the question being put, "Shall the said Jonathan Crandall, jr. be discharged from said fine & costs?" it was determined in the affirmative—Yeas 11, Nays 2. Those, who voted in the affirmative, were Messrs. Allen, Clark of Bennington County, Clark of Windham County, Deming, Forbes, Harris, Hoyt, Langdon, Pierpoint, Wetmore and Worthington. Those, who voted in the negative, were the Lieut. Governor and Mr. Thompson. The petition of William R. V. Ellis, a convict in the State prison, was taken up, and the question being put, "Shall the said William R. V. Ellis be discharged from the State prison?" it was determined in the affirmative. Yeas 13, Nays 0. Those who voted in the affirmative, were, the Lieut. Governor, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Deming, Forbes, Harris, Hoyt, Langdon, Pierpoint, Thompson, Wetmore & Worthington. The following petitions of convicts in the State prison were severally taken up, to wit, The petition of Thomas Deane, The

¹The following elections were made: Martin Roberts Major General; Henry Robinson Brigadier General; and John H. Cotton Superintendent of the State Prison.

petition of Simeon Fisk, The petition of Elliot C. Hill ; and The petition of P. P. Gee, alias P. P. Good, and were, severally, *Ordered* to be dismissed. The petition of Amelia Jackson, a convict in the State prison, was taken up, and the question being put, " Shall the said Amelia Jackson be discharged from the State prison ?" it was determined in the affirmative—Yeas 8, Nays 4. Those who voted in the affirmative, were, Messrs. Clark of Windham County, Deming, Harris, Hoyt, Langdon, Pierpoint, Thompson and Worthington. Those, who voted in the negative, were, the Lieut. Governor, Messrs. Allen, Clark of Bennington County, and Forbes. Adjourned to 9 o'clock to morrow morning.

TUESDAY Oct. 21, 1828. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. The House of Representatives sent up, for concurrence in the reference, the following resolutions, to wit, " Resolved, the Governor and Council concurring herein, that the Governor be requested to request the Governor of the province of Lower Canada to remove the obstructions across the river, at the outlet of Lake Memphremagog, so that the water may be reduced to its former standing in said lake " with an order of reference thereon to the judiciary Committee ; Whereupon *Resolved* to concur in said order of reference.

Received from the House, for concurrence in passing, the following resolution, to wit, " Resolved, the Governor and Council concurring herein, that the judiciary Committee be instructed to inquire into the expediency of repealing or altering the several acts, restricting appeals from the decisions of justices of the peace, or any part thereof ; and report by bill or otherwise," which was read, Whereupon, *Resolved*, to concur in passing said resolution.

Received, also, from the House, for concurrence in the reference, the following, to wit, — "An act directing the Treasurer of this State to credit the town of Stirling the amount therein mentioned ;" "An act in addition to an act entitled, 'an act to establish the salaries of the Governor and Treasurer of this State ;' " and " An act for the relief of Henry Stearns, Phinehas Stearns, John Stearns and E. P. Stearns, with an order of reference, on each, to the Committee of Ways and Means ; Whereupon, *Resolved* to concur in said several orders of reference. Also, "An act incorporating certain persons therein mentioned, by the name of the Green Mountain Manufacturing Company," with an order of reference thereon to the Committee of Manufactures ; Whereupon, *Resolved* to concur in said order of reference. Also, the following, to wit, "An act in alteration of an act, ascertaining the principles on which the list of this State shall be made, and directing the listers in their office and duty," "An act to regulate the practice in Chancery," and " An act in addition to, and alteration of an act therein mentioned," with an order of reference on each to the judiciary Committee ; Whereupon, *Resolved*, to concur in said several orders of reference. Also the following, to wit, "An act to incorporate the Searsburgh Turnpike Company ;" and " An act discontinuing a part of a road therein mentioned ;" with an order of reference on each to the Committee on roads and canals ; Whereupon, *Resolved*, to concur in said several orders of reference. Also, "An act relating to school districts," with an order of reference thereon to the Committee on Education ; Whereupon, *Resolved* to concur in said order of reference. Received also, The report of the committee, appointed to examine the situation of the banks in this State, with an order of the House thereon referring the same to a committee of three to join from

Council ; Whereupon, *Resolved*, to concur in said order of reference, and Mr. Thompson was appointed from Council. Also, "The petition of Joseph A. Gallup for the incorporation of a medical school and infirmary," with an order of the House thereon referring the same to a committee of two to join from Council. Whereupon, *Resolved*, to concur in said order of reference, and Mr. Clark of Windham County was appointed from Council.

The following engrossed bill was sent up by the House to the Governor and Council, for revision and concurrence or proposals of amendment, to wit, "An act authorising the Green Mountain Turnpike Company to resurvey and alter their road," which was read, & *Ordered* to be committed to Messrs. Thompson & Pierpoint to consider and report thereon.

The following petitions of convicts in the State prison were called up, to wit, The petition of Jonathan E. Love ; The petition of John Martin ; The petition of Charles Nelson ; The petition of Hiram Lee ; The petition of Milo Pomeroy ; The petition of Eli Peck ; The petition of Samuel Savery ; The petition of Joshua Underwood ; The petition of Henry Williams, and The petition of Daniel Witherill, and were severally *Ordered* to be dismissed. The petition of Thomas Riley, a state prison convict, was taken up, and the question being put "Shall the said Thomas Riley be discharged from the State prison ?" it was determined in the affirmative ;—Yeas 10. Nays 0. Those, who voted in the affirmative, were, the Lieut. Governor, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Deming, Harris, Hoyt, Thompson, Wetmore and Worthington. The petition of Hiram White, a convict in the State prison, was taken up, and the question being put "Shall the said Hiram White be discharged from the State prison ?" it was determined in the affirmative, Yeas, 8. Nays 5. Those who voted in the affirmative, were the Lieut. Governor, Messrs. Deming, Harris, Hoyt, Pierpoint, Thompson, Wetmore & Worthington. Those, who voted in the negative, were Messrs. Allen, Clark of Bennington County, Clark of Windham County, Forbes & Langdon. The petition of Amherst Willis a convict in the state prison, was taken up, and the question being put, "Shall the said Amherst Willis be discharged from the State prison ?" it was determined in the affirmative—Yeas 12, Nay 1. Those who voted in the affirmative were, the Lieut. Governor, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Deming, Forbes, Harris, Hoyt, Langdon, Pierpoint, Thompson & Wetmore. He who voted in the negative, was Mr. Worthington.

Mr. Pierpoint introduced the following resolution, which, on his motion, was ordered to lie on the table, to wit, "In Council Oct. 21, 1828. *Resolved*, the Genl. Assembly concurring herein, that the Superintendent of the Vermont State prison be directed to make & lay before the Legislature, at the next session, an estimate of the probable expense of so altering and enlarging the State prison, that it shall contain, at least, one hundred and forty cells." Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. The House sent up for concurrence in passing, the following resolution, to wit—"Resolved, the Governor and Council concurring herein, that the judiciary Committee be requested to inquire if any & what alteration in the existing laws is necessary to render certain and uniform, the standard measure of lime, coal and ashes." Which was read, Whereupon, *Resolved* to concur in passing said resolution.

The House sent up for concurrence in the reference the following, to wit, "An act for the relief of the Rutland and Stockbridge Turnpike Company," with an order of reference thereon to the Committee on

roads and canals ; Whereupon, *Resolved*, to concur in said order of reference.

Mr. Pierpoint, on motion, had leave to add to the resolution, introduced by him, this morning, and laid on the table, the following, to wit, "Also such information, as may be in his possession, calculated to show the advantages of separate confinement;"—Whereupon, *Resolved*, to pass said resolution, as amended.

Received from the House, for concurrence in passing, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the Committee of Ways & Means be instructed to report a bill, making compensation to the Superintendent of the Vermont State prison, for the year ending Dec. 1st, 1828," which was read ; Whereupon, *Resolved* to concur in passing said resolution.

The petition of Richard Collier, a convict in the State prison, which, on the 17th instant, was laid on the table, was called up, and the question being put, "Shall the said Richard Collier be discharged from the State prison ?" it was determined in the negative. Yeas 5, Nays 8. Those, who voted in the affirmative, were, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Harris & Wetmore. Those who voted in the negative, were, the Lieut. Governor, Messrs. Deming, Forbes, Hoyt, Langdon, Pierpoint, Thompson & Worthington.

Adjourned to 9 O'clock to-morrow morning.

WEDNESDAY Oct. 22, 1828. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. Benjamin Swan, Treasurer of the State, appeared in the Council Chamber, and presented a bond, conditioned for the faithful discharge of the duties of said office of Treasurer for the year ensuing, which was approved and the oath of office was duly administered by His Excellency the Governor.

Received from the House, for concurrence in the reference, the following resolution, to wit, "Resolved that the Committee appointed to make up the general list, be instructed to make up said list on real estate, according to the appraisal, assessment and average, made in the year 1827, without reference to the lists on real estate, as returned by the listers of the several towns of this State, there being additions to, or deductions from said appraisal, assessment and average, in most of the lists returned ;" with an order of reference thereon to the judiciary Committee ; Whereupon *Resolved* to concur in said order of reference. Received for concurrence in passing, the following resolution, to wit, "Resolved that so much of his speech of his Excellency the Governor, as relates to the presidential election, be referred to a committee of four members of this House to join from Council," which was read ; Whereupon *Resolved* to concur in passing said resolution, and Mr. Thompson was appointed from Council. Rec^d also the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that both Houses meet in the Representatives' room, on Thursday morning of next week, at 7 o'clock, for the purpose of adjourning the Legislature without day ;" which was read and, on motion, *Ordered* to lie on the table. Also, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the Committee on Military Affairs be instructed to inquire into the expediency of passing a law, to relieve, by legal prohibition, all militia officers of this State from the necessity of treating with ardent spirits or other strong drink, those under their respective commands, on any training or muster days, or days of review of the militia of this State ; and report by bill or otherwise," which was

read, Whereupon *Resolved* to concur in passing said resolution. Also the following, to wit, "Resolved, the Governor and Council concurring herein, that so much of his excellency's speech, as relates to land taxes, be referred to the judiciary Committee, with an order of the house thereon discharging the judiciary Committee from a further consideration of said resolution, & referring the same to the general committee. Whereupon *Resolved* to concur in said order and reference.

Rec^d also, The petition of John McDuffie, with an order of reference thereon to the Committee on roads and canals; Whereupon *Resolved* to concur in said order of reference. Also The petition of Joseph Chapman and others with an order of reference thereon to the Committee raised on the bill to repeal an act to preserve fish in Starksboro'; Whereupon, *Resolved* to concur in said order of reference. Also, the petition of the inhabitants of Morgan, with an order of reference thereon to the Land tax Committee; Whereupon *Resolved* to concur in said order of reference. Also, "An act to repeal an act therein mentioned," with an order of the house thereon referring the same to a committee of four to join from Council; whereupon *Resolved* to concur in said order of reference, and Mr. Pierpoint was appointed from Council. Also, "An act in addition to and amendment of an act, entitled 'an act, confirming a grammar school in the County of Rutland,'" with an order of reference thereon to the committee on Education; Whereupon, *Resolved* to concur in said order of reference. Also "An act altering the name of Russell Lamb Wilcox," with an order of reference thereon to the committee on the petition of John Rugg; Whereupon *Resolved* to concur in said order of reference. Also, "An act directing the Treasurer to pay Rich Stevens the sum therein mentioned," with an order of reference thereon to the Committee of Claims; Whereupon *Resolved* to concur in said order of reference. Also, the following, to wit, "An act to preserve fish in Martin's pond in Peacham"; "An act in addition to the several acts defining the powers of Justices of the peace within this state, & for repealing certain parts of said acts"; and "An act providing for the publication of the reports of the Supreme Court"; with an order of reference on each to the judiciary Committee; Whereupon *Resolved* to concur in said several orders of reference. Also, "An act in addition to the acts now in force, regulating lotteries and the vending or selling lottery tickets within this State," with an order of reference thereon to the Committee of Ways and Means; Whereupon *Resolved* to concur in said order of reference.

The following engrossed bill was sent up to the Governor and Council, for their revision and concurrence or proposals of amendment, to wit—"An act, laying a tax of four cents on each acre of land in the town of Fairlee," which was read; Whereupon, *Resolved* to concur in passing said bill, and *Ordered* that the Secretary notify the house accordingly.

The Governor and Council attended in the Representatives' room for the appointment of County officers, after which they returned to their Chamber.

The petition of Abner Clogston was taken up, and the question being put, "Shall a pardon be granted to the said Abner Clogston?" it was determined in the affirmative, Yeas 11, Nays 0. Those who voted in the affirmative, were, the Lieut. Governor, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Deming, Forbes, Harris, Hoyt, Langdon, Pierpoint and Wetmore. Adjourned to 2 o'clock P. M.

2 o'clock P. M.—The Governor and Council met agreeably to adjournment. The House sent up to the Governor and Council, for their revision and concurrence or proposals of amendment, the following en-

grossed bills, to wit, "An act incorporating certain persons therein mentioned, by the name of the Green Mountain Manufacturing Company," which was read; Whereupon, *Resolved* to concur in passing said bill. Also, "An act directing the Treasurer to pay Moses Morse, Jr. the sum therein mentioned"; which was read; Whereupon, *Resolved*, to concur in passing said bill. Also, "An act laying a tax on lands in Vineyard" [Isle La Motte]; which was read; Whereupon, *Resolved* to concur in passing said bill. Also, "An act laying a tax on the lands in the town of Peru"; which was read; Whereupon, *Resolved*, to concur in passing said bill. Also, "An act in addition to 'an act to incorporate the President, Directors and Company of the Bank of Rutland'"; which was read; Whereupon, *Resolved* to concur in passing said bill. Also, "An act incorporating the Female School Association of Middlebury"; which was read; Whereupon, *Resolved* to concur in passing said bill. Also, "An act directing the Treasurer to pay Truman Purdy the sum therein mentioned"; which was read; Whereupon, *Resolved* to concur in passing said bill. Also, "An act for the relief of Luther Weld"; which was read; Whereupon, *Resolved* to concur in passing said bill. And, "An act for the relief of Arthur McGowan"; which was read; Whereupon, *Resolved* to concur in passing said bill, and *Ordered* that the Secretary notify the House of the passage of the foregoing bills.

Received also from the House, the following engrossed bills, for revision and concurrence or proposals of amendment, to wit, "An act incorporating the Rutland Cotton Manufacturing Company"; which was read, and *Ordered* to be committed to Mr. Clark of Windham County to consider and report thereon. Also, "An act directing the Treasurer to remit to John F. Austin the sum therein mentioned"; which was read, and *Ordered* to be committed to Mr. Clark of Windham County to consider and report thereon. Also, "An act in addition to an act, entitled 'an act ceding to the United States the exclusive jurisdiction over a site for an Arsenal at Vergennes'"; which was read, and *Ordered* to be committed to the Lieut. Governor to consider and report thereon. Also, "An act granting to Elijah Loomis the exclusive right of keeping a ferry from Alburgh in the County of Grand Isle across Missisquoi bay"; which was read and *Ordered* to be committed to Mr. Pierpoint to consider and report thereon. Also, "An act granting to William Mott the exclusive right of keeping a ferry from Alburgh across lake Champlain"; which was read & *Ordered* to be committed to Mr. Pierpoint to consider & report thereon.

The petition of Daniel Palmer, and The petition of Edward Welch, convicts in the State prison, were taken up, and, severally, *Ordered* to be dismissed.

His Honor, the Lieut. Governor, on motion and leave, introduced a bill entitled "An act authorizing the stewards of churches to hold lands for certain purposes"; which was read, and *Ordered* to be referred to the judiciary Committee. Adjourned to 9 o'clock to-morrow morning.

THURSDAY Oct. 23, 1828. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. Received from the House the following resolutions, to wit. "Resolved, the Governor and Council concurring herein, that the judiciary Committee be instructed to inquire, whether real estate, conveyed or devised by individuals to religious societies, for religious purposes, is, or ought to be, by law, exempt from taxation; and that they report by bill or otherwise," which was read, Whereupon, *Resolved* to concur in passing said

resolution. "Resolved, the Governor and Council concurring herein, that the judiciary Committee be directed to inquire whether any alterations are necessary in the several acts relating to the mode of election of Governor, Lieut. Governor, treasurer, councillors and representatives to make them conform to the constitution of this state, as amended by convention," which was read; Whereupon, *Resolved* to concur in passing said resolution. "Resolved, the Governor and Council concurring herein, that both Houses meet in the representatives' room, on Tuesday morning next, to elect three directors of the Vermont State bank, and a committee to inspect the several banks in this state, and make report at the next session of the legislature"; which was read; Whereupon, *Resolved* to concur in passing said resolution, and *Ordered*, that the Secretary notify the House accordingly.

The House sent up for concurrence in the reference, the following, to wit, "An act to establish a uniformity in taxing the travel of the members of the General Assembly"; with an order of reference thereon to the General Committee; Whereupon, *Resolved* to concur in said order of reference. Also, "An act making provisions for settling the concerns of the Vermont State bank, and to repeal an act therein mentioned"; with an order of reference thereon to the judiciary Committee; Whereupon *Resolved* to concur in said order of reference. Also, "An act for the benefit of the school districts in Benson"; with an order of reference thereon to the Committee on Education; Whereupon *Resolved* to concur in said order of reference. Also, The petition of the town of Vernon; with an order of reference thereon to the Committee on roads and canals; Whereupon, *Resolved* to concur in said order of reference. Also, The remonstrance of James Whitcomb & others against a land tax on the town of Bolton, with an order of reference thereon to the Land Tax Committee; Whereupon *Resolved* to concur in said order of reference. Also, The remonstrance of Philip C. Tucker and others against the incorporation of a Hemp company in Vergennes; with an order of reference thereon to the Committee of Manufactures; Whereupon, *Resolved*, to concur in said order of reference.

The House sent up the following engrossed bills for revision and concurrence or proposals of amendment, to wit.—"An act for the relief of Eleazer Allen" which was read; Whereupon, *Resolved* to concur in passing said bill. Also "An act for the relief [of] Welcome Freeman," which was read; Whereupon, *Resolved* to concur in passing said bill. Also "An act fixing the compensation of the Superintendent of the State prison for the current year"; which was read; Whereupon *Resolved* to concur in passing said bill. And "An act for the relief of Henry Stearns, Phineas Stearns, John Stearns and E. P. Stearns," which was read; Whereupon, *Resolved* to concur in passing said bill, and *Ordered*, that the Secretary notify the House of the passage of the foregoing bills.

Mr Thompson, from the committee to whom was referred the bill entitled "An act, authorizing the Green Mountain Turnpike Company to re-survey and alter their road," made report that, in the opinion of the committee, the same ought to be amended, by striking out of the first section, the words "or any two of them," and by striking out all the words in the last section, after the word "committee" in the fifth line from the beginning, and by adding thereto the following proviso, to wit, "provided that no gate shall be placed or remain upon any part of the road which shall be laid anew by said committee," which amendments were adopted; Whereupon, *Resolved* to concur in passing said bill as amended and Mr Thompson is appointed to assign reasons to the House.

Mr Clark of Windham County, to whom was committed the bill entitled "An act directing the Treasurer to remit to John F. Austin the sum therein mentioned," reported the following amendments, to wit. Strike out the word "fifty" in the fourth line, and insert in lieu thereof the words "twenty five"; after the word "being" in the same line, insert the words "one half of," after the word "deprived" in the sixth line, insert the words "in part," and strike out the words "and other misfortunes" in the last line. Which amendments were adopted; Whereupon, *Resolved* to concur in passing said bill as amended, and Mr Clark of Windham County was appointed to assign reasons to the House.

His Honor, the Lieut. Governor, to whom was committed the bill entitled "An act in addition to an act entitled 'an act, ceding to the United States the exclusive jurisdiction over a site for an arsenal in Vergennes,'" reported the following amendment, to wit—Add the following proviso, viz—"Provided, also, that nothing herein contained shall be construed to prevent the service of civil process under the authority of this State, within the limits herein described," which amendments were adopted—Whereupon, *Resolved* to concur in passing said bill, as amended, and his Honor, the Lieut. Governor, was appointed to assign reasons to the House, who, forthwith reported the following, to wit, "The Governor and Council think it inexpedient so far to give up the jurisdiction, as that the land ceded may become an asylum for debtors & offenders"; which reasons were adopted, & it was *Ordered* that the secretary return the said bill as amended, with the reasons aforesaid.

The petition of David Porter, a convict in the state prison, was taken up, and the question being put, "Shall the said David Porter be discharged from the State prison?" it was determined in the affirmative—Yeas 11, Nays 0. Those who voted in the affirmative were, the Lieut. Governor, Messrs Allen, Clark of Bennington County, Clark of Windham County, Deming, Forbes, Harris, Hoyt, Pierpoint, Wetmore & Worthington. The petition of John Hunt, a convict in the State prison, was taken up, and the question being put, "Shall the said John Hunt be discharged from the State prison, on condition of his leaving the State within twenty days?" it was determined in the affirmative—Yeas 11, Nays 0. Those, who voted in the affirmative were, the Lieut. Governor, Messrs Allen, Clark of Bennington County, Clark of Windham County, Deming, Forbes, Harris, Hoyt, Pierpoint, Wetmore & Worthington. Adjourned to 2 o'clock P. M.

2 o'clock P. M.—The Governor and Council met agreeably to adjournment. Mr. Clark of Windham county, to whom was committed the bill entitled "An act incorporating the Rutland Cotton Manufacturing Company," reported the following amendment to said bill to wit, "Add, at the end of the first section, the following words to wit, "and that they shall so continue and have succession, for and during the term of thirty years"; which amendment was adopted; whereupon *Resolved* to concur in passing said bill as amended, and Mr. Clark of Windham county was appointed to assign reasons, who reported the following, to wit, "That it is improper to grant acts of incorporation unlimited as to time," which reason was adopted, & it was *Ordered* that the Secretary return said bill to the House, with the reason aforesaid. Adjourned to 9 o'clock tomorrow morning.

FRIDAY October 24, 1828. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment.

The House sent up the following for concurrence in the reference, to wit, "An act to repeal an act relating to manufacturing establish-

ments"; with an order of reference thereon to the Committee on Military affairs; Whereupon, *Resolved* to concur in said order of reference. Also, "An act granting relief and further time to make a road in the town of Brookline"; with an order of reference thereon to the Committee on roads and canals; Whereupon, *Resolved* to concur in said order of reference. Also, "An act in addition to 'an act regulating town meetings and the choice and duty of town officers'"; with an order of reference thereon to the General Committee; Whereupon, *Resolved* to concur in said order of reference. Also, The remonstrance of Samuel Jewett and others, with an order of reference thereon to the Committee raised on the petition of Samuel E. Chalker and others; Whereupon, *Resolved* to concur in said order of reference.

The following resolutions were sent up for concurrence in passing, to wit, "Resolved, the Governor and Council concurring herein, that the Governor be requested to request the Governor of the province of Lower Canada to cause to be removed the obstructions across the river at the outlet of Lake Memphremagog, so that the water may be reduced to its former height in said lake; which was read; Whereupon, *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary notify the House accordingly. "Resolved, the Governor and Council concurring herein, that the General Committee be instructed to inquire into the expediency of passing an act, explanatory of the third section of an act, entitled 'an act ascertaining the principles on which the list of this State shall be made, and directing listers in their office and duty,'" which was read; Whereupon, *Resolved*, to concur in passing said resolution. "Resolved, the Governor and Council concurring herein, that Jedediah H. Harris of Strafford, and William Steele of Sharon, be, and hereby are appointed a committee to attend at the Vermont State prison, in the month of September next, to make an appraisal and inventory of all the property belonging to said prison; and also to settle with the Superintendent, and investigate all the accounts of said prison, and make report to the Legislature, at their next session"; which was read; Whereupon, *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary notify the House accordingly. "Resolved, the Governor and Council concurring herein, that a committee of two members from this House, to join from Council, be appointed to inquire into the expediency of altering the seventh section of an act, entitled 'an act for the punishment of certain inferior crimes and misdemeanors,' passed Nov. 15, 1821, so as to secure the forfeitures under said act, for the benefit of the creditors, and to vary and regulate the same, as to justice and good policy shall appertain"; which was read; Whereupon, *Resolved* to concur in passing said resolution, and Mr. Clark of Bennington [County] was appointed from Council.

The House also sent up for concurrence in passing, the following resolutions, to wit, "Resolved, the Governor and Council concurring herein, that the policy and measures, adopted and pursued by the administration, are calculated and *designed* to promote and perpetuate the happiness and prosperity of the nation, and that the talents, integrity and experience of John Quincy Adams, eminently qualify him to discharge the high and responsible duties of the president of the United States. Resolved, that this Legislature approve of the nomination of Richard Rush, as the candidate for the office of Vice-president," which resolutions were read, and the question being put, "Shall said resolutions pass?" it was determined in the affirmative. Yeas 13, Nays 0. Those who voted in the affirmative, were, His Honor, the Lieut. Governor, Messrs. Allen, Clark of Bennington C^o Clark of Windham County,

Deming, Forbes, Harris, Hoyt, Langdon, Pierpoint, Thompson, Wetmore and Worthington.

Mr. Forbes moved that the vote dismissing the petition of Jabez K. Parkhurst, a convict in the State prison, be re-considered, and the question being taken, it was determined in the negative. The following petitions of convicts in the State prison, were severally taken up, to wit, The petition of Silas Hathaway, Jr. ; The petition of Joel H. Harvey ; The petition of Samuel Whitlock ; The petition of Jeremiah Bradley ; The petition of John Stanley, and The petition of Thomas Gibson, and were, severally, *Ordered* to be dismissed. The petition of Cyrus Carrier, late a convict in the State prison, was taken up, and the question being put, " Shall a pardon be granted to the said Cyrus Carrier ?" it was determined in the affirmative. Yeas 11, Nays 0. Those, who voted in the affirmative, were, the Lieut. Governor, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Deming, Forbes, Hoyt, Pierpoint, Thompson, Wetmore and Worthington.

Mr. Pierpoint, to whom was committed the bill entitled "an act, granting to Elijah Loomis the exclusive right of keeping a ferry from Alburgh, in the County of Grand Isle, across Missisquoi bay," reported the same with the following amendment, to wit, " Strike out all the bill, after the first clause of the first section, and insert in lieu thereof the following proviso, to wit, ' Provided that the said Elijah Loomis, his heirs and assigns, shall, in all things, be subject to, and governed by the general Statutes of this State, regulating ferries and ferriages' "; which amendment was adopted ; Whereupon, *Resolved* to concur in passing said bill, as amended, and Mr. Pierpoint was appointed to assign reasons, who reported the following, to wit, " That it is inexpedient to encumber our statute books with unnecessary provisions in grants of this kind," which was adopted and it was *Ordered* that the Secretary return said bill to the House with the reason aforesaid.

Mr. Pierpoint, to whom, also, was committed the engrossed bill, entitled "An act granting to William Mott the exclusive right of keeping a ferry from Alburgh across Lake Champlain," reported the same with the following amendment, to wit, " Strike out all the bill after the first clause of the first section and insert, in lieu thereof, the following proviso, to wit, ' Provided that the said William Mott, his heirs and assigns, shall, in all things, be subject to, and governed by, the general statutes of this State regulating ferries and ferriages,' " which amendment was adopted ; Whereupon, *Resolved* to concur in passing said bill as amended, and Mr. Pierpoint was appointed to assign reasons, who reported the following, to wit, " That it is inexpedient to encumber our statute books with unnecessary provisions, in grants of this kind," which was adopted, and it was *Ordered* that the Secretary return said bill to the House with the reason aforesaid.

The following engrossed bill was sent up by the House for revision and concurrence or proposals of amendment, to wit, " An act, authorizing the town of Bridgewater to hold stock in the Sherburne turnpike Company," which was read ; Whereupon, *Resolved* to concur in passing said bill. Also, " An act laying a tax on the lands in Ripton "; which was read ; Whereupon, *Resolved* to concur in passing said bill. Also, " An act laying a tax on the lands in Kingston " [Granville] ; which was read, Whereupon, *Resolved* to concur in passing said bill. Also, " An act laying a tax on the lands in Granby "; which was read ; Whereupon, *Resolved* to concur in passing said bill. Also, " An act laying a tax on the lands in Sunderland "; which was read ; Whereupon, *Resolved* to concur in passing said bill. *Ordered*, that the Secretary inform the House of the passage of the five bills last mentioned. Received, also, from the House,

for revision and concurrence or proposals of amendment, the following engrossed bill, to wit, "An act incorporating the Black River Canal and Manufacturing Company"; which was read and *Ordered* to be committed to Mr. Forbes to consider and report thereon. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. On motion of Mr Wetmore, the vote, concurring in the passage of the engrossed bill, entitled "An act laying a tax on the lands in Granby" was reconsidered, and it was *Ordered* that said bill be committed to Mr Allen to consider and report thereon.

A message was received from the House of Representatives, by Mr. Upham, one of its members, informing that the House had refused to concur in the amendments proposed by the Governor and Council to the bill entitled "An act directing the Treasurer to remit to John F. Austin the sum therein mentioned," and, after assigning the reasons, Mr. Upham withdrew.

Mr Pierpoint called up the resolution, which was laid on the table on the 22^d instant, fixing the time for the adjournment of both Houses without day, and on motion of Mr Pierpoint said resolution was amended by striking out the word "Thursday" and inserting in lieu thereof the word "Friday." Whereupon, *Resolved* to concur in passing said resolution as amended, and *Ordered* that the Secretary notify the House accordingly.

A message was received from the House of Representatives by Mr Jenison, one of its members, informing that the House had concurred in the *first* amendment proposed by the Governor and Council to the bill entitled "An act authorizing the Green Mountain Turnpike Company to resurvey and alter their road"; and that the House had refused to concur in the *second* amendment proposed by the Governor and Council to said bill; and after assigning reasons, Mr Jenison withdrew.

Mr Pierpoint, on motion and leave, introduced the following resolution, to wit, "In Council Oct. 24, 1828. *Resolved*, the General Assembly concurring herein, that the Committee on Military Affairs be instructed to inquire into the situation of the Ordnance and arms belonging to the state, and report by bill [or] otherwise," which was read and passed.

The engrossed bill entitled "An act directing the Treasurer to remit to John F. Austin the sum therein mentioned," was taken up and read together with the amendments yesterday proposed by the Governor & Council to the same, in which amendments the House had refused to concur. Whereupon, *Resolved* to rescind from said proposed amendments; and said bill was further amended by striking out the word "fifty" in the fourth line & inserting the words "twenty-six," in lieu thereof, & by inserting after the word "being," in the same line, the words "part of," & by inserting after the word "deprived" in the sixth line, the words "in part," and by striking out the words "and other misfortunes," in the last line. Whereupon, *Resolved* to concur in passing said bill as last amended, and Mr. Thompson was appointed to assign reasons to the House. Adjourned to 9 o'clock to-morrow morning.

SATURDAY October 25, 1828. 9 o'clock A M.

The Governor and Council met agreeably to adjournment. The House sent up the following for concurrence in the reference, to wit, The account of Truman Powell against the State, which had been disallowed by the auditor, with an order of the House thereon, referring the same to the Committee of Claims; Whereupon, *Resolved* to concur in

said order of reference. *Also* "An act for the relief of the town of Windham in the County of Windham," with an order of reference thereon to the Committee on roads and canals; Whereupon, *Resolved* to concur in said order of reference. *Also* "An act in addition to an act regulating marriage and divorce," with an order of reference thereon to the judiciary Committee; Whereupon *Resolved* to concur in said order of reference. *Also* "An act to regulate the practice in chancery," with an order of the House thereon that the same be re-committed to the judiciary Committee; Whereupon, *Resolved* to concur in said order of re-commitment. *Also* "An act in addition to an act directing the mode of obtaining licences, and regulating inns and houses of public entertainment," with an order of reference thereon to the Committee of Ways and means; Whereupon, *Resolved* to concur in said order of reference. *Also*, The remonstrance of Benjamin Morrison and others against a land tax on Starksboro, with an order of reference thereon to the land tax Committee; Whereupon, *Resolved* to concur in said order of reference. *Also*, The petition of Othniel Blanden for alteration of his name, with an order of the House thereon that the same be referred to the committee raised on the petition of John Rugg; Whereupon, *Resolved* to concur in said order of reference. *Also* "An act annexing a part of the town of Brookfield to the town of Chelsea"; with an order of the House thereon that the same be referred to a committee of two to join from Council; Whereupon *Resolved* to concur in said order of reference, and Mr Hoyt was appointed from Council. *Also* "An act in addition to an act entitled 'An act directing the proceedings against the trustees of absconding or concealed debtors'"; with an order of reference thereon to a committee of two, to join from Council: Whereupon *Resolved* to concur in said order of reference, and Mr Pierpoint was appointed from Council.

Received, also, from the House, for concurrence in passing, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that both houses meet in the representatives' room, at ten o'clock, on Tuesday morning next, to elect three commissioners, agreeably to an act for the benefit of the deaf and dumb; and also a board of commissioners for common schools"; which was read; Whereupon, *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary notify the House accordingly. *Also*, the following, to wit, "Resolved, the Governor and Council concurring herein, that the Committee of Ways and Means be directed to report a bill to the house, making compensation to the commissioners of the school fund"; which was read; Whereupon, *Resolved*, to concur in passing said resolution. *Also*, the following, to wit, "Resolved, the Governor and Council concurring herein, that the General Committee be directed to inquire into the expediency of repealing, or altering the act, entitled, 'an act to establish the weight of rye, corn and oats'"; which was read; Whereupon, *Resolved* to concur in passing said resolution.

Mr. Forbes, to whom was committed the engrossed bill, entitled "An act incorporating the Black River Canal & Manufacturing Company," reported the same with the following amendment, to wit;—insert after the words "Eighteen hundred and sixty eight," in the tenth line of the first section, the words, "the legislature reserving the right of amending or abolishing this act, at the end of thirty years, as the public good may require," which amendment was adopted; Whereupon, *Resolved* to concur in passing said bill as amended, and Mr. Forbes was appointed to assign reasons; who reported the following, to wit, "That in the opinion of the Governor and Council, it is, in all cases, expedient for the legislature to reserve to themselves the right, after the lapse of a term [of

years] not longer than that mentioned in the proposed amendment, of altering, amending or repealing private acts of incorporation, as the public good may require"; which reasons were adopted, and it was *Ordered* that the Secretary return said bill to the House with the reasons aforesaid.

The petition of Zelotes Morse, to be restored to his legal privileges, was taken up, and the question being put, "Shall a pardon be granted to the said Zelotes Morse?" it was determined in the affirmative. Yeas 11, Nays 0. Those who voted in the affirmative were, the Lieut. Governor, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Deming, Forbes, Hoyt, Langdon, Pierpoint, Thompson and Wetmore. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. The petition, for remission of costs and residue of imprisonment, of Merritt Rockwell, a prisoner, confined in the common jail in the County of Grand Isle, by sentence of the County Court of said County, upon a conviction before said court, for assault & battery, was taken up; Whereupon, *Resolved*, that the costs of prosecution in said case be remitted.

The engrossed bill, entitled "An act authorizing the Green Mountain Turnpike Company to resurvey and alter their road, in the second amendment to which, proposed by the Governor and Council, the House refused to concur, was taken up and read together with said amendment, Whereupon, *Resolved* to rescind from said amendment and to concur in passing said bill, & *Ordered* that the Secretary notify the House accordingly.

Received from the house, for concurrence in the reference, the following, to wit, "An act relating to the sale of personal property attached on mesne process"; with an order of reference thereon to the judiciary Committee; Whereupon, *Resolved* to concur in said order of reference.

Adjourned to 9 o'clock Monday morning.

MONDAY October 27, 1828. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. The House sent up the following for concurrence in the reference, to wit, "An act granting to the town of Plymouth further time to complete a road in said town"; with an order of reference thereon to the Committee on roads and canals; Whereupon, *Resolved* to concur in said order of reference. Also, "An act incorporating the White river Salt manufacturing company"; "An act incorporating certain persons therein mentioned by the name of the Windsor Manufacturing Company"; and The petition of Benjamin F. Southgate and others; with an order of reference on each to the Committee on manufactures; Whereupon, *Resolved* to concur in said orders of reference. Also "An act directing the nomination of justices of the Peace"; with an order of reference thereon to the General Committee; Whereupon, *Resolved* to concur in said order of reference. Also "An act in addition to an act entitled 'An act constituting the Supreme Court of Judicature and County Courts, defining their powers and regulating judicial proceedings'; passed Nov. 18, 1824"; with an order of reference thereon to the judiciary Committee; Whereupon, *Resolved* to concur in said order of reference. Also "An act in addition to 'an act constituting the supreme court of judicature and County courts, and regulating judicial proceedings,' passed Nov. 15, 1827," with an order of reference thereon to the judiciary Committee; Whereupon, *Resolved* to concur in said order of reference. Also The

petition of Daniel Peake and others, with an order of reference thereon to the land tax Committee; Whereupon, *Resolved* to concur in said order of reference. Also "An act for the relief of the Waltham turnpike company"; with an order of reference thereon to a Committee of two, to join from Council; Whereupon *Resolved* to concur in said order of reference, and Mr. Hoyt was appointed from Council.

Received for concurrence in passing, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the Committee of insolvency be instructed to inquire into the expediency of passing a law to carry into effect the provisions of the thirty third section of the constitution of this State, and report by bill or otherwise" which was read; Whereupon *Resolved* to concur in passing said resolution.

The Governor and Council, on motion of Mr. Wetmore, proceeded to the appointment of a librarian to the Legislature and a Surveyor of public buildings; when Calvin J. Keith was appointed librarian, and Joseph Howes Surveyor of public buildings. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. The House sent up for concurrence the following, to wit, "An act in addition to and amendment of the several acts for the purpose of founding the University of Vermont"; with an order of reference thereon to the judiciary Committee; Whereupon, *Resolved* to concur in said order of reference.

The following engrossed bills were sent up to the Governor and Council, for their revision and concurrence or proposals of amendment, to wit, "An act in addition to an act entitled 'An act regulating town meetings and the choice and duty of town officers,' passed Feb. 28, 1797"; which was read, and *Ordered* to be committed to Mr. Thompson, to consider and report thereon. Also, "An act authorizing the Treasurer of this State to sell and convey certain lands in Colchester"; which was read, and *Ordered* to be committed to Mr. Thompson to consider and report thereon. Also "An act against disturbing the remains of the dead"; which was read; Whereupon, *Resolved* to concur in passing said bill. Also "An act determining the standard measure of charcoal, lime and ashes"; which was read; Whereupon, *Resolved* to concur in passing said bill. Also, "An act laying a tax on the lands in Underhill"; which was read; Whereupon, *Resolved* to concur in passing said bill. Also, "An act laying a tax on the lands in Warren"; which was read; Whereupon, *Resolved* to concur in passing said bill. Also, "An act directing the Treasurer to pay the sum therein mentioned"; which was read; Whereupon *Resolved* to concur in passing said bill. Also "An act laying a tax on the lands in Coventry," which was read; Whereupon, *Resolved* to concur in passing said bill. Also, "An act laying a tax on the lands in that part of Goshen annexed to Ripton," which was read. Whereupon, *Resolved* to concur in passing said bill. Also, "An act to incorporate an aqueduct company in the center village in Starksboro"; which was read; Whereupon, *Resolved* to concur in passing said bill. Also, "An act incorporating certain persons therein named by the name of the Middlebury fire society"; which was read; Whereupon, *Resolved* to concur in passing said bill. Also, "An act in addition to an act, laying a tax on the town of Random," passed Nov. 12, 1827; which was read; Whereupon, *Resolved* to concur in passing said bill. And also "An act directing the Treasurer of this State to credit the towns of Peru, Waterville, Belvidere, Winhall, Baltimore and Sterling, the amount of the state tax, assessed upon each town upon the list of 1827," which was read; Whereupon *Resolved* to concur in passing said

bill, & *Ordered* that the Secretary notify the House of the passage of the eleven foregoing bills.

The petition of William Longley, formerly a convict in the state prison, was taken up, and the question being put, "Shall the said William Longley be pardoned?" it was determined in the affirmative. Yeas 12, Nays 0. Those who voted in the affirmative were, the Lieut. Governor, Messrs. Allen, Clark of Windham County, Deming, Forbes, Harris, Hoyt, Langdon, Pierpoint, Thompson, Wetmore and Worthington.

The engrossed bill entitled "An act laying a tax on the lands in Granby," was called up, when Mr. Langdon moved to amend the same, by striking out the word "four," in the third line; and the question being taken, it was determined in the negative. The said bill was then amended, on motion of Mr. Langdon, by striking out the name of "Elijah Baker" in the seventh line, and inserting in lieu thereof the name of "Joel Bassett." Whereupon, *Resolved* to concur in passing said bill, as amended, and Mr. Langdon was appointed to assign reasons to the House, who reported the following, to wit, "That Joel Bassett, the person named in this amendment, is better qualified to perform the important trust reposed in said committee, than the said Elijah Baker, and is a man preferred by the persons most interested in the tax," which reasons were adopted; and it was *Ordered* that the Secretary return said bill to the house, with the reasons aforesaid.

Mr. Thompson, to whom was committed the engrossed bill, entitled "An act authorizing the Treasurer of this State to sell and convey certain lands in Colchester"; reported the same without amendment; Whereupon, *Resolved* to concur in passing said bill & *Ordered* that the Sec^y notify the House thereof.

Mr. Hoyt was excused from serving on the joint Committee, to whom was referred the bill entitled "an act for the relief of the Waltham Turnpike Company," and Mr. Harris appointed in his stead. Adjourned to 9 o'clock tomorrow morning.

TUESDAY Oct. 28, 1828. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. The House sent up the following, for concurrence in the reference, to wit, "An act authorizing the town of Ryegate to hold stock in the Passumpsic Turnpike Company," with an order of reference thereon to the Committee on roads and canals; Whereupon, *Resolved* to concur in said order of reference. *Also*, "An act incorporating the Bennington Cotton Manufacturing Company," with an order of the House thereon that the same be re-committed to the Committee of Manufactures; Whereupon, *Resolved* to concur in said order of re-commitment. *Also*, "An act granting relief to William R. Shafter"; with an order of reference thereon to the General Committee; Whereupon, *Resolved*, to concur in said order of reference. *Also*, "An act directing the Treasurer to credit the first constable of the town of Acton the sum therein mentioned," with an order of the House thereon that the same be re-committed to the Committee of claims; Whereupon, *Resolved* to concur in said order of re-commitment.

Received from the House, for concurrence in passing, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that His Excellency be requested to appoint the first Thursday of December next, to be observed as a day of public thanksgiving throughout this State," which was read; Whereupon, *Resolved* to concur in passing said resolution, & *Ordered* that the Sec^y notify the house thereof.

Received from the house the following engrossed bills, for revision and concurrence or proposals of amendment, to wit, "An act relating to school districts"; which was read; Whereupon, *Resolved* to concur in passing said bill. *Also*, "An act altering the name of Russell Lamb Wilcox"; which was read; Whereupon, *Resolved* to concur in passing said bill. *Also*, "An act altering the name of John Rugg"; which was read; Whereupon, *Resolved*, to concur in passing said bill. *Also*, "An act altering the name of Elizabeth Powell"; which was read; Whereupon, *Resolved* to concur in passing said bill. *Also*, "An act to incorporate the Searsburgh Turnpike Company"; which was read; Whereupon, *Resolved* to concur in passing s^d. bill; & ordered that the Sec^y notify the House of the passage of s^d. bills.

The Governor and Council attended in the representatives' room for the further appointment of County officers; and for the election of three commissioners under the act for the benefit of the deaf and dumb, and a board of commissioners for common schools, and after attending to the business of the joint Committee, they returned to their chamber.¹ Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. The petition of Samuel Norris, for a pardon, was taken up, and the question being put, "Shall a pardon be granted to the said Samuel Norris?" it was determined in the affirmative. Yeas 13. Nays 0. Those, who voted in the affirmative, were, the Lieut. Governor, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Deming, Forbes, Harris, Hoyt, Langdon, Pierpoint, Thompson, Wetmore and Worthington.

A communication was received from the Speaker of the House of Representatives, informing that the House had concurred in the amendments proposed by the Governor and Council to the resolution fixing a time for the meeting of both houses for the purpose of adjourning the General Assembly without day.

Mr. Thompson, to whom was committed the engrossed bill, entitled "An act in addition to an act regulating town meetings and the choice and duty of town officers, passed Feb. 28, 1797"; reported the same, with the following amendment, to wit, "strike out the words "his immediate predecessor in office left," in the 20th and 21st lines, and insert, in lieu thereof, the words, "any of his predecessors in office may have left"—which amendment was adopted; Whereupon, *Resolved* to concur in passing said bill as amended, and Mr Thompson was appointed to assign reasons to the House.

Received, for revision and concurrence or proposals of amendment, the following engrossed bill, to wit, "An act incorporating the Jerico Academy at Jerico," which was read; Whereupon, *Resolved* to concur in passing said bill. *Also*, the following, to wit, "An act laying a tax on the lands in Mount Tabor," which was read; Whereupon, *Resolved* to concur in passing said bill; and *Ordered* that the Secretary notify the House of the passage of the two last mentioned bills.

Also, the following, to wit, "An act in addition to and amendment of an act entitled 'An act confirming a grammar school in the County of

¹The following elections were made in Joint Assembly: Committee to examine banks, Robert Pierpoint; Commissioners for the Deaf and Dumb, Horace Everett, Chauncey Langdon, and John Smith of St. Albans; Commissioners for Common Schools, William Hall, Charles K. Williams, Jacob Collamer, Benjamin F. Bailey and Ephraim Paddock.

Rutland,' passed Oct. 29, 1805," which was read and *Ordered* to lie on the table.

Also, the following, to wit, "An act in addition to an act entitled 'an act constituting the Supreme Court of Judicature and County Courts, defining their powers and regulating judicial proceedings,' which was read; Whereupon *Resolved not* to concur in passing said bill, and Mr Thompson was appointed to report reasons therefor in writing.

Adjourned to 9 o'clock to-morrow morning.

WEDNESDAY Oct. 29, 1828. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. The House sent up for revision and concurrence or proposals of amendment the following engrossed bills, to wit, "An act in addition to an act entitled an act constituting the Supreme Court of Judicature and County Courts, defining their powers and regulating judicial proceedings, passed Nov. 18, 1824," which was read; Whereupon *Resolved* to concur in passing said bill. *Also* "An act assessing a tax for the support of Government," which was read; Whereupon *Resolved* to concur in passing said bill. *Also* "An act making appropriations for the support of Government," which was read; Whereupon, *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the passage of the three foregoing bills.

The following was sent up for concurrence in the reference, to wit, "An act incorporating certain persons therein named, by the name of the Randolph west village fire Company"; with an order of reference thereon to the Committee of Manufactures; Whereupon, *Resolved* to concur in said order of reference. *Also*, "An act to abolish imprisonment for debt"; with an order of reference thereon to the Judiciary Committee; Whereupon, *Resolved* to concur in said order of reference. *Also* "An act in addition to an act, entitled 'an act to incorporate the President, Directors & Company of the Bank of Montpelier'; with an order of reference thereon to the committee raised on that part of his Excellency's speech, relating to banks; Whereupon, *Resolved* to concur in said order of reference.

The House sent up, for concurrence in passing, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that both Houses meet in joint Committee, in the representatives' room, at two o'clock, this afternoon, for the purpose of electing two justices of the Supreme Court"; which was read: Whereupon, *Resolved* to concur in passing said resolution, & ordered that the Sec^y notify the house accordingly.

Received for concurrence in the reference, the following, to wit, "An act in addition to the several acts for laying out, making and repairing highways"; *Also*, another act of the same title as the preceding; with an order of reference on each to a committee of three to join from Council; Whereupon, *Resolved* to concur in said several orders of reference, and Mr. Langdon was appointed from Council.

The following engrossed bills were received from the House, for revision & concurrence or proposals of amendment, to wit, "An act in addition to, and alteration of an act, for the purpose of regulating suits respecting landed property and directing the mode of proceeding therein; passed Nov. 14, 1827"; which was read; Whereupon, *Resolved* to concur in passing said bill. *Also*, "An act for the relief of Gilbert Bradley &c."; which was read; Whereupon, *Resolved* to concur in passing said bill. *Also* "An act in addition to an act incorporating the village of Montpelier";

which was read ; Whereupon, *Resolved* to concur in passing said bill. The engrossed bill, entitled "An act in addition to and amendment of an act entitled 'An act confirming a grammar [school] in the County of Rutland ; passed Oct. 29, 1805,'" which was yesterday laid on the table, was called up and read ; Whereupon, *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the passage of the four bills last mentioned.

The House sent up, for concurrence in passing, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the jail commissioners in the several counties in this State be, and they are hereby instructed to make and report to the Secretary of State, by the fifteenth day of October 1829, the number of persons, who shall have been committed to jail and admitted to the benefit of the poor debtor's oath, from the first day of October 1828, to the first day of October 1829, whose duty it shall be to lay the same before the General Assembly," which was read and *Ordered* to be committed to Mr. Thompson for amendment.

Mr. Thompson, who was yesterday appointed to assign reasons in writing, for non-concurring in the passage of the engrossed bill, entitled "An act in addition to an act entitled 'An act constituting the Supreme Court of judicature and County Courts, defining their powers and regulating judicial proceedings,'" reported the following, to wit, "The instances in which machinery is attached, under such circumstances, that the debtor cannot procure it to be replevied or receipted, are very rare, and, in such cases, the debtor can, generally, without injury to himself, give up the possession of the building, containing the machinery, to the officer. There is, therefore no pressing necessity for such a law. It is believed that the passage of such a law would be likely to lead to fraudulent practices, to protect property against *bona fide* creditors, and that it may often operate to the injury of officers, who are always responsible for property attached and left in the possession of the debtor. Difficulties, too, may often arise in determining whether the machinery is, or is not, 'subject to injury by removal,' with such certainty as to prevent litigation"; which reasons were adopted ; and it was *Ordered* that the Secretary return said bill to the House with the reasons aforesaid.

Mr. Hoyt, on motion, obtained leave of absence, from and after tomorrow. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—Mr. Thompson, to whom was committed the resolution from the House, instructing the commissioners of jail delivery in the several counties in this state to make certain reports to the Secretary of State, &c., reported the same with the following amendment, to wit, "Strike out all after the word 'herein' in the second line, and insert in lieu thereof the following, to wit, 'That the several sheriffs in this State be, and they are hereby instructed to report to the Secretary of State, by the fifteenth day of October next, the number of persons committed in their respective counties on execution in civil suits, and that the commissioners of jail delivery in the several counties, by the time above mentioned, report to the Secretary of State, the number of persons, who may have been admitted to the oath provided by law for poor debtors, in each year from the first day of October 1828 to the first day of October 1829 ; and that it shall be the duty of the Secretary of State to lay such reports before the General Assembly at the next session thereof"; which amendment was adopted ; Whereupon, *Resolved* to concur in passing said resolution as amended ; and *Ordered* that the Secretary notify the House accordingly.

The following engrossed bills were sent up by the House to the Governor and Council, for their revision and concurrence or proposals of amendment, to wit, "An act in addition to an act entitled 'an act ascertaining the principles on which the list of this state shall be made, and directing listers in their office and duty,'" which was read; Whereupon, *Resolved* to concur in passing said bill. *Also* "An act laying a tax on the lands in the town of Roxbury," which was read; Whereupon, *Resolved* to concur in passing said bill. *Also* "An act laying a tax on the lands in the the town of Woodford," which was read; Whereupon, *Resolved* to concur in passing said bill. *Also* "An act repealing an act therein mentioned," which was read; Whereupon, *Resolved* to concur in passing said bill. *Ordered*, that the Secretary notify the House of the passage of the four bills last mentioned.

Received, also, for revision and concurrence or proposals of amendment, the following engrossed bill, to wit, "An act in addition to an act entitled 'an act constituting the Supreme Court of judicature and County Courts, defining their powers and regulating judicial proceedings,'" which was read, and *Ordered* to lie on the table. Adjourned to 9 o'clock tomorrow morning.¹

THURSDAY October 30, 1828. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. The House sent up, for concurrence in the reference, the following resolutions, to wit, "Resolved, the Governor and Council concurring herein, that the senators from this state, in the Congress of the United States, be instructed, and the representatives requested, to use their influence to cause an act to be passed by Congress granting pensions to all commissioned officers, non-commissioned officers, musicians and private soldiers, and all officers in the hospital department and medical staff, who served in the war of the revolution, on the continental establishment; and all commissioned officers, non-commissioned officers, mariners or marines, who served in the naval service in the war of the revolution, and who are yet resident citizens of the United States, in proportion to their respective services, whether, by reason of their reduced circumstances in life, they are, or shall be, in need of assistance from their country, or not, and whether they served a greater or less time than nine months, at any period of the war"; "Resolved, that the Secretary of State be requested to transmit a copy of the foregoing resolution to each of the senators and representatives from this State, in the Congress of the United States," with an order of reference thereon to a committee of two to join from Council; Whereupon, *Resolved* to concur in said order of reference, and the Lieut. Governor was appointed from Council.

The House sent up the following engrossed bills for revision and concurrence or proposals of amendment, to wit, "An act discontinuing a part of a road therein mentioned," which was read; Whereupon, *Resolved* to concur in passing said bill. *Also* "An act to revive, alter and amend an act assessing a tax of four cents on each acre of land in the town of

¹The following elections were made in Joint Assembly this day: Richard Skinner, Chief Justice of the Supreme Court, who had declined serving, but accepted this election; Ephraim Paddock, Assistant Judge of the Supreme Court, a judge having been added by statute: and Benjamin Swan, Job Lyman, and John Jackson Directors of the Vermont State Bank.

Morgan, passed Oct. 26, 1827," which was read ; Whereupon, *Resolved* to concur in passing said bill. *Also*, "An act laying a tax on the lands in the town of Kellyvale," which was read ; Whereupon *Resolved* to concur in passing said bill. *Also*, "An act laying a tax on the lands in Irasburgh," which was read ; Whereupon, *Resolved* to concur in passing said bill. *Also* "An act directing the overseers of the poor to make returns of the number of paupers in their respective towns," which was read ; Whereupon, *Resolved* to concur in passing said bill. *Also* "An act incorporating the American hydraulic Company," which was read ; Whereupon *Resolved* to concur in passing said bill. *Also* "An act for the relief of the Rutland and Stockbridge turnpike Company," which was read ; Whereupon, *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the concurrence in passing the seven bills last mentioned.

Received, also, for revision and concurrence or proposals of amendment, a bill entitled "An act for the relief of the Waltham turnpike Company," which was read and *Ordered* to be engrossed.

The engrossed bill, entitled "An act in addition to an act, constituting the Supreme Court of Judicature and County Courts, defining their powers and regulating judicial proceedings," which was yesterday laid on the table, was called up and read ; Whereupon, *Resolved* to concur in passing said bill. *Ordered* that the Secretary notify the House accordingly. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. Mr. Wetmore introduced the following resolution, to wit, "In Council Oct. 30, 1828. *Resolved*, the General Assembly concurring herein, that the Clerks of the several County Courts in this State, in their respective counties, be, and they hereby are directed to ascertain as far as practicable, from the records of such courts, and from all other sources where information may be obtained, the sum or sums recovered against bail, or paid by them without suit, or which they are liable to pay, on any jail bond or jail bonds, where the principal or principals therein, left the limits of the prison, in consequence of any act of suspension, passed by the General Assembly, subsequent to the year 1812 ; how far such bail may have obtained satisfaction or security from such principal or principals, or are likely so to do, and report the same to the next session of the legislature, on or before the 15th day of October next," which was read and passed.

The resolution which was this morning referred to a joint Committee, instructing the senators and requesting the representatives from this State in the Congress of the United States to use their influence to cause an act to be passed by Congress granting pensions to revolutionary officers &c. was sent up by the house to the Governor and Council, for their concurrence in passing ; which was read ; Whereupon, *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary notify the House accordingly.

The bill entitled "An act for the relief of the Waltham turnpike Company," which was sent up from the house for revision and concurrence or proposals of amendment, and by the Governor and Council, this morning, ordered to be engrossed, was read ; Whereupon, *Resolved* to concur in passing said bill.

Received from the House the following engrossed bills for revision and concurrence or proposals of amendment, to wit, "An act annexing a part of the town of Stirling to the town of Cambridge," which was read ; Whereupon, *Resolved* to concur in passing said bill. *Also* "An act for the benefit of the school districts in Benson," which was read ; Where-

upon, *Resolved* to concur in passing said bill. *Also* "An act directing the times in which a road passing through Ryegate in the County of Caledonia shall be made, and repealing an act therein mentioned," which was read; Whereupon, *Resolved*, to concur in passing said bill. *Also*, "An act incorporating the Bennington Cotton manufacturing company"; which was read; Whereupon, *Resolved* to concur in passing said bill. *Also*, "An act directing the treasurer to credit the first constable of the town of Acton the sum therein mentioned"; which was read; Whereupon *Resolved* to concur in passing said bill. *Also*, "An act granting a further time for making a road in the towns of Guilford and Vernon," which was read; Whereupon *Resolved* to concur in passing said bill. *Also*, "An act laying a tax on the lands in Essex"; which was read; Whereupon *Resolved* to concur in passing said bill. *Also*, "An act laying a tax on the lands in Stowe," which was read; Whereupon, *Resolved* to concur in passing said bill. *Also*, "An act laying a tax on the lands in Easthaven"; which was read; Whereupon, *Resolved* to concur in passing said bill. *Also*, "An act laying a tax on the lands in the town of Goshen"; which was read; Whereupon, *Resolved* to concur in passing said bill. *Also* "An act authorizing the town of Ryegate to hold stock in the Passumpsic turnpike company"; which was read; Whereupon *Resolved* to concur in passing said bill. *Also*, "An act annexing part of the town of Belvidere to the town of Eden"; which was read; whereupon, *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the house of the concurrence in passing the thirteen bills last mentioned.

Received also from the house for revision and concurrence or proposals of amendment, the following engrossed bills, to wit, "An act in explanation of an act entitled 'an act ascertaining the principles on which the list of this state shall be made, and directing listers in their office and duty,' passed Nov. 17, 1825" which was read, and *Ordered* to be committed to Mr. Thompson, to consider and report thereon.

Also "An act laying a tax of four cents on each acre of land in the town of Starksboro," which was read; Whereupon, *Resolved* to concur in passing said bill. *Also*, "An act granting to the town of Plymouth further time to complete a road in said town," which was read; Whereupon *Resolved* to concur in passing said bill. *Also*, "An act for the relief of Elizabeth Haskell," which was read; Whereupon *Resolved* to concur in passing said bill, & *ordered* that the Sec^y notify the House of the passage of the 3 last bills.

Mr Thompson, to whom was committed the engrossed bill, entitled "An act in explanation of an act entitled 'an act ascertaining the principles, on which the list of this state shall be made, and directing listers in their office and duty,' passed Nov. 17, 1825," reported the same with the following amendment, to wit, "insert between the words "been" and "given" in the sixth line, the words "or may be hereafter" and strike out all after the word "State" in the first line on the second page—which amendments were read and adopted. Whereupon, *Resolved* to concur in passing said bill, as amended, and Mr Thompson was appointed to assign reasons to the House.

Received from the House for revision & concurrence or proposals of amendment the following engrossed bills, to wit, "An act repealing an act therein mentioned," which was read; Whereupon, *Resolved* to concur in passing said bill. *Ordered* that the Secretary notify the House accordingly.

Also, "An act incorporating certain persons therein mentioned, by the name of the Windsor Manufacturing Company," which was read & *Ordered* to be committed to Mr Pierpoint to consider and report thereon.

Also, "An act establishing the salary of the commissioner of the school fund," which was read; Whereupon, *Resolved* to concur in passing said bill. Also "An act to repeal an act entitled 'an act to preserve fish in the waters of Starksboro'" which was read; Whereupon, *Resolved* to concur in passing said bill. Also "An act incorporating the Bridgewater village manufacturing Company," which was read; Whereupon *Resolved* to concur in passing said bill. Also, "An act authorizing the Stewards of Churches to hold lands for certain purposes," which was read; Whereupon, *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the concurrence in passing said four last mentioned bills.

Mr Pierpoint, to whom was committed the engrossed bill, entitled "An act incorporating certain persons therein mentioned by the name of the Windsor Manufacturing Company," reported the same, with the following amendments, to wit, Add to the first section the following clause, to wit, "for the sole purpose of manufacturing cotton & woollen yarn and cloth in its various branches, and all necessary machinery for carrying on said business," and insert between the words "the" and "said" in the second line of the third section, the words "stock of"; which amendments were adopted. Whereupon, *Resolved* to concur in passing said bill as amended, and Mr Pierpoint was appointed to assign reasons to the House. Adjourned to 7 o'clock this evening.

7 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. The House sent up the following resolution, to wit, "Resolved by the General Assembly of the State of Vermont, that our senators and representatives in Congress be requested to use their influence with the Secretary of War to cause a further survey to be made for the several canal routes, from Onion river to Connecticut river, embracing the routes through the valleys of Wait's river and Wells river"; which was read; Whereupon, *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary notify the House accordingly. Also the following, to wit, "Resolved, the Governor and Council concurring herein, that both houses meet in joint committee at seven o'clock tomorrow morning, for the purpose of appointing county officers"; which was read; Whereupon, *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary notify the House accordingly.

Mr. Wetmore on motion introduced the following resolution, to wit, "Council chamber Oct. 30, 1828. Resolved, the General Assembly concurring herein, that the treasurer of this State be, and he is hereby, directed to deliver up to James H. Langdon Esq^r of Berlin, a certain bond, executed by said Langdon and others to the Treasurer of this State, Nov. 11, A. D. 1826, in which bond the said James H. Langdon and others obligated themselves, their heirs and assigns, that so long as the legislature of this state continues to hold its sessions in Montpelier they will make the ordinary repairs on the building now occupied for a State house"; which was read and passed.

Received from the House the following engrossed bills for revision and concurrence or proposals of amendment, to wit, "An act in addition to an act entitled 'an act to provide for the support of common schools'"; which was read; Whereupon, *Resolved* to concur in passing said bill. Also, "An act granting relief and further time for making a road in the town of Brookline"; which was read; Whereupon, *Resolved* to concur in passing said bill, and *Ordered* that the Secretary notify the House of the concurrence in passing the two last mentioned bills.

A message was received from the House of representatives by Mr. Bailey, one of its members, informing that the House had resolved *not*

to concur in the amendment proposed by the Governor and Council to the bill entitled "An act in explanation of an act entitled an act ascertaining the principles on which the list of this state shall be made, and directing listers in their office and duty, passed Nov. 17, 1825," and after assigning reasons, Mr. Bailey withdrew.

Received a written message from the Speaker of the House of representatives, informing that the House had concurred in the resolution of the Governor and Council, directing the treasurer of this State to deliver to James H. Langdon, a certain bond signed by the said Langdon and others to the s^d treasurer. Which was read.

Received, also, a written message from the Speaker of the House of representatives, informing that the House had concurred in the amendments proposed by the Governor and Council to the resolution directing jail Commissioners to make certain returns, and also in the passage of a resolution directing Clerks of County Courts to make certain returns, which was read.

An engrossed bill entitled "An act in addition to the several acts for laying out, making and repairing highways," was received from the House, for revision and concurrence or proposals of amendment; when, on motion, said bill was amended by adding, to the end of the first section, the following, to wit, "which committee shall be sworn to the faithful discharge of the trust reposed in them"; & by striking out of the second section the words "and the fees of the committee and of the commissioners shall be one dollar and fifty cents per day, while they are engaged in said business," & by inserting before the word "expenses" at the end of the second section the words, "their personal," and by adding, to the end of the sixth section the following, to wit, "Provided such appeal be applied for within ninety days after the passing of this act." Whereupon, *Resolved* to concur in passing this bill as amended, and Mr. Thompson was appointed to assign reasons to the House.

The engrossed bill, entitled "An act in explanation of an act entitled 'an act ascertaining the principles, on which the list of this state shall be made, and directing listers in their office and duty,' passed Nov. 17, 1825," which was, this evening, returned by the House of representatives to the Governor and Council, with a message that the House had resolved not to concur in the amendment proposed by the Governor and Council to said bill, was taken up; Whereupon *Resolved* to suspend the passage of said bill untill the next session of the legislature, of which resolution the House of Representatives were informed by written message.

Received for revision and concurrence or proposals of amendment, an engrossed bill, entitled "An act altering the name of Edwin M. Reynolds to that of Edwin Clark," which was read: Whereupon, *Resolved* not to concur in passing said bill, and Mr. Pierpoint was appointed to assign reasons, who reported the following, to wit, "The Governor and Council consider that the constitutional powers of the General Assembly do not authorize the passage of a law, making one individual heir at law to another," which was adopted, and it was *Ordered* that the Secretary return said bill to the House with the reason aforesaid.

Received also the following engrossed bill, for revision and concurrence or proposals of amendment, to wit, "An act in addition to, and in amendment of, the several acts for the purpose of founding the University of Vermont," which was read and amended by adding thereto the following to wit, "Provided, also, that this act may be repealed by any future legislature." Whereupon, *Resolved* to concur in passing said bill, as amended, and Mr. Pierpoint was appointed to assign reasons to the House.

Also, the following, to wit "An act directing the treasurer to pay Azariah Webb, the sum therein mentioned," which was read ; Whereupon, *Resolved* to concur in passing said bill. *Also*, "An act providing for the publication of the reports of the Supreme Court," which was read ; Whereupon *Resolved* to concur in passing said bill. *Also*, "An act for the relief of the town of Windham in the County of Windham," which was read ; Whereupon *Resolved* to concur in passing said bill. *Also*, "An act in addition to an act entitled 'an act to incorporate the President, Directors and Company of the bank of Montpelier,' passed Oct. 28, 1825," which was read ; Whereupon, *Resolved* to concur in passing said bill. *Also* "An act to incorporate certain persons therein named by the name of the Randolph West Village fire Company," which was read ; Whereupon resolved to concur in passing said bill. *Ordered* that the Secretary notify the House of the concurrence in passing the five bills last mentioned.

Received a written message from the Speaker of the House of representatives, informing that the House had concurred in the amendment proposed to the bill entitled "An act incorporating certain persons, therein mentioned, by the name of the Windsor Manufacturing Company "; and in the amendments, proposed by the Governor and Council, to the bill entitled "An act in addition to the several acts for laying out, making and repairing highways "; which was read.

The following gentlemen, to wit, Reuben Smith, George G. Ingersoll and Jacob Collamer, were appointed by the Governor and Council, Commissioners under the third section of an act, entitled "An act in addition to and amendment of the several acts for the purpose of founding the University of Vermont." Adjourned to 7 o'clock tomorrow morning.

FRIDAY October 31, 1828. 7 o'clock A. M.

The Governor and Council met agreeably to adjournment. Received a message from the House of representatives by Mr. Hawley, one of its members, informing that the house had, on its part, completed the business of the session and was ready to adjourn without day. The Governor and Council then proceeded to the representatives' room, where they attended, agreeably to a joint resolution of both Houses, to the further appointment of County officers, and after a prayer by the Chaplain, the General Assembly was adjourned without day. The Governor and Council then returned to their Chamber & adjourned without day.

STATE OF VERMONT ss. The foregoing from page 71 to page 157, [of Vol. 11 of the manuscript Council Journal] inclusive, is a true journal of the proceedings of the Governor and Council at their annual session in the year 1828.

GEORGE B. SHAW, *Secretary*.

DEBENTURE OF THE LIEUT. GOV- ERNOR AND COUNCIL, 1828.	No. Miles Travel.	Am't of Travel.	No. days Att'nce.	Am't of Att'nce.	Debenture.
Lyman Fitch	42	5.04	2	3.00	8.04
Orsamus C. Merrill	130	15.60	2	3.00	18.60
Lieut. Gov. Olin	70	8.40	23	92.00	100.40
Mr. Allen	45	5.40	17	25.50	30.90
" Clark of B.	100	12.00	23	34.50	46.50
" Clark of W.	110	13.20	23	34.50	47.70
" Deming	30	3.60	23	34.50	38.10
" Forbes	60	7.20	22	33.00	40.20
" Harris	32	3.84	23	34.50	38.34
" Hoyt	55	6.60	22	33.00	39.60
" Langdon	82	9.84	23	34.50	44.34
" Pierpoint	70	8.40	23	34.50	42.90
" Thompson	38	4.56	23	34.50	39.06
" Wetmore	60	7.20	23	34.50	41.70
" Worthington	1	12	23	34.50	34.62
Sheriff Keith	1	12	23	34.50	34.62
Deputy	10	120	23	34.50	35.70
Librarian	1	12	23	34.50	34.62
					\$715.94

The above was received of the Treasurer by the Sheriff of Washington County, and by him paid out to the members of the Council &c.

Oct. 13, 1828.

His Excellency, the Governor, was pleased to make the following appointments to wit, Rodney C. Royce Esq^r & Ira H. Allen Esq^r Aids to the Governor.

Under the act entitled "An act providing for the publication of the Reports of the Supreme Court." passed Oct. 30, 1828—His Excellency was pleased to appoint James Davis, Esq^r to prepare and procure to be printed &c. said reports.

FIFTY-THIRD COUNCIL.

OCTOBER 1829 TO OCTOBER 1830.

SAMUEL C. CRAFTS, Craftsbury, *Governor*.

HENRY OLIN, Leicester, *Lieut. Governor*.

Councillors:

CHAUNCEY LANGDON, Castleton,

ROBERT PIERPOINT, Rutland,

JOHN C. THOMPSON, Burlington,

GEO. WORTHINGTON, Montpelier,

BENJAMIN F. DEMING, Danville,

JEDEDIAH H. HARRIS, Strafford,

MYRON CLARK, Manchester,

EZRA HOYT, New Haven,

IRA H. ALLEN, Irasburgh,

SAMUEL CLARK, Brattleborough.

JOB LYMAN, Woodstock,

JAMES DAVIS, St. Albans.

GEORGE B. SHAW, Danville, *Secretary*.

RAWSEL R. KEITH, Montpelier, *Sheriff*.

CALVIN J. KEITH, Montpelier, *Librarian*.

BIOGRAPHICAL NOTICES.

JOB LYMAN was an attorney at Woodstock in 1811, and continued in practice there until 1851. He was Auditor of Accounts against the State 1813 until 1815, and Councillor in 1829. He was also for several years Auditor in the Treasury Department.—*Walton's Vermont Register*; and *Vermont Legislative Directory* for 1876-7.

JAMES DAVIS was born at North Kingston, R. I., Aug. 8 1783, graduated at Union College, N. Y., in 1809, and in Nov. 1810 he became a citizen of St. Albans, where he was admitted to the bar in 1812, and for fifty years his name appeared in the list of attorneys in *Walton's Register*. Residing for a time at North Hero, Fairfield, and Swanton, Judge Davis returned to St. Albans in 1819, and there resided for the remainder of his life. He was a member of the Constitutional Convention of 1828; Councillor 1829 and '30; Judge of Franklin County Court 1843 and '44; and Judge of Probate six years, 1845 till 1848, 1849, 1853, and 1855.—*Walton's Vermont Register*; and *Vermont Historical Magazine*, Vol. II, pp. 321, 322.

RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION WITH THE GENERAL ASSEMBLY AT MONTPELIER, OCTOBER 1829.

A journal of the proceedings of the Governor and Council of the State of Vermont, at their session, begun and holden at Montpelier, on the second Thursday (being the eighth day) of October, in the year of our LORD, one thousand eight hundred and twenty nine, and of the Independence of the United States, the fifty fourth. Present,—His Excellency Samuel C. Crafts, Governor, His Honor Henry Olin, Lieut. Governor, The Hon. Ira H. Allen, Myron Clark, Samuel Clark, Benj^r. F. Deming, Jed^h. H. Harris, Ezra Hoyt, Chauncey Langdon, John C. Thompson, Geo. Worthington & Robert Pierpoint, Councillors.

A message was received from the House of Representatives by Mr. Smith of Barre, one of its members, informing that the House had organized, by electing D. Azro A. Buck, Speaker, *pro tempore*, and Timothy Merrill, Clerk, *pro tempore*, and were ready to receive any communication, which the Governor and Council might make. *Ordered*, That the Secretary inform the House of Representatives, that the Governor and a quorum of the Council are assembled in the Council Chamber, and are ready to proceed to business.

A message was received from the House of Representatives, by Mr. Leland, one of its members, informing that the House had, on their part, appointed a Committee to receive, sort & count the votes for Governor, Lieut. Governor, Treasurer & Councillors, & requesting the Governor and Council to join in said appointment;—Whereupon, *Resolved* to concur in said appointment, and His Honor, the Lieut. Governor, Mr. Clark of Windham County and Mr. Deming were appointed on the part of the Governor & Council, and duly sworn, by the Hon. Mr. Langdon, to the faithful discharge of their duty; and it was *Ordered* That the Secretary inform the House of Representatives of such concurrence and appointment. Adjourned to 4 o'clock P. M.¹

4 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. A message was received from the House of Representatives by Mr. Bailey, one of its members, informing that the House was ready to receive the report of the canvassing committee, & requesting the attendance of the Gov. & Council; Whereupon it was *Ordered*, That the Secretary inform the House that the Governor & Council will immediately attend in the Representatives' room to receive the report of the Canvassing Committee. The Governor and Council attended in the Representatives' room, when the following report was made, to wit.

"To the Hon. General Assembly now sitting: The Committee appointed to receive, sort and count the votes for Governor, Lieut. Governor, Treasurer & Councillors, Report, That His Excellency, Samuel C. Crafts is elected Governor; The Hon. Henry Olin is elected Lieut. Governor; Benjamin Swan Esq. is elected Treasurer. The Hon. Myron Clark, Samuel Clark, Chauncey Langdon, Robert Pierpoint, Ezra Hoyt, Jedediah H. Harris, John C. Thompson, Benjamin F. Deming, George

¹ The election sermon was preached by Rev. Charles Walker.

Worthington, Job Lyman, James Davis and Ira H. Allen are elected Councillors for the year ensuing.

Montpelier, Oct. 8, 1829.

JOHN SMITH, *Secretary.*

HENRY OLIN, *Chairman.*"

Which report being read, the Sheriff of Washington County made proclamation of said elections, and the Governor & Council returned to their chamber. Adjourned to 9 o'clock to morrow morning.¹

FRIDAY Oct. 9, 1829. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. His Honor the Lieut. Governor, and Messrs Allen, Clark of Windham County, Clark of Bennington County, Deming, Harris, Hoyt, Langdon, Pierpoint, Thompson and Worthington took and subscribed the oath of office before the Hon. Sam^l Prentiss one of the Justices of the Supreme Court; of which the Secretary was *Ordered* to inform the House of Representatives.

The following petitions of convicts in the State prison, to wit, The petitions of John Anderson, Charles Ball, John Bean, C. Baker, Peter Bolio, Manly A. Beach, Joel Crouch, Baptiste Crumas, James Converse, George Drew, Thomas Dean, William Fitz Patrick, P. Fitz Patrick, John Gould, Eliot C. Hills, Joseph Hogg, Thomas Hughes, John Irvine, John Gee, John Jackson, James Halligan, William Loucks, Simon Morris, John Plumley, George Stevens, Jesse Shippen, Cyrus Scales, Philip Shepard, Daniel Sartwell, William Utter and Thomas Williams, were severally taken up, and on motion were severally *Ordered* to be dismissed. The petition of Jacob Johnson, a convict in the State prison, was taken up, and the question being put, "Shall the said Jacob Johnson be discharged from the State prison?" it was determined in the affirmative. Yeas 10. Nays 0. Those who voted in the affirmative were Messrs Allen, Clark of Bennington County, Clark of Windham County, Deming, Harris, Hoyt, Langdon, Pierpoint, Thompson, and Worthington.

A message was received from the House of Representatives, by Mr. Starkweather, one of its members, informing that the House had organized by electing D. Azro A. Buck, Speaker, Norman Williams, Secretary of State, Timothy Merrill, Clerk, and Oramel H. Smith, Engrossing Clerk. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. The House sent up for concurrence in passing, a resolution providing for the meeting of both Houses in Joint Committee, at 2 o'clock, this afternoon, for the purpose of electing a Chaplain of the General Assembly for the year ensuing. Whereupon, *Resolved* to concur in passing said resolution, and *Ordered*, that the Secretary notify the House accordingly. The Governor & Council attended in the Rep-

¹ The votes for Governor were, for Samuel C. Crafts, 14,325, Heman Allen, of Highgate, then of Burlington, 7,346, Joel Doolittle, 3,973 scattering 50. The anti-masons for the first time placed a ticket in the field, voting for Mr. Allen, though he declined to identify himself with that party.—See letter of Mr. Allen in the *Vt. Watchman and State Gazette* of Aug. 10, 1830.

representatives' room, for the election of a Chaplain of the General Assembly for the year ensuing, after which they returned to their Chamber.¹

The Governor and Council attended in the Representatives' room where his Excellency, the Governor, took the oaths of office and made the following Speech.²

The governor and Council then returned to their Chamber.

Adjourned to 9 o'clock to-morrow morning.

SATURDAY Oct. 10, 1829. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. The Hon. Job Lyman from Windsor County appeared in the Council Chamber, was duly qualified and took his seat as a member of the Council.

The House sent up, for concurrence in the reference, the following, to wit, The petition of Benjamin Shattuck & others, with an order of reference thereon to the Committee on Education; The petition of the Directors of the Sherburne Turnpike Company, with an order of reference thereon to the Committee on roads & canals; The petition of Ebenezer Matthews, with an order of reference thereon to the Committee of claims; and The petition of John A. Pratt & others, The petition of Elisha Fellows, The petition of John Doyle & "An act, directing the Treasurer of this State to credit the town of Belvidere the amount of the State tax, assessed on said town upon the list of 1828," with orders of reference thereon respectively to the Committee of Ways and Means; —Whereupon, *Resolved* to concur in said several orders of reference.

The House sent up, for concurrence in passing, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that both houses meet in County Conventions on Monday next, at 4 o'clock in the afternoon, for the purpose of making nominations of County officers; and that they meet in joint Committee in the Representatives' room, at the opening of the House on Tuesday morning next, for the purpose of electing such officers; which was read; Whereupon, *Resolved* to concur in passing said resolution, & *Ordered*, that the Secretary inform the House accordingly.

The petition of Joel H. Harvey, a state-prison convict, was taken up, and the question being put, "Shall the said Joel H. Harvey be discharged from the State prison?" it was determined in the affirmative, Yeas 10, Nays 1. Those who voted in the affirmative were the Lieut. Governor, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Deming, Harris, Hoyt, Langdon, Pierpoint & Worthington. He who voted in the negative was Mr. Thompson.

His Excellency, the Governor, was pleased to appoint Geo. B. Shaw, Secretary of the Governor and Council for the year ensuing, and he was duly sworn by the Hon. Mr. Pierpoint, to the faithful discharge of the duties of said office, and the House of Representatives was informed by written message. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. Mr. Thompson, on motion and leave, introduced the following resolution, to wit "Resolved, that the Secretary be directed to procure for the Governor, Lieut. Governor, & each member of the Council, two of the newspapers, printed at Montpelier, each week during the present session of the Legislature," which was read and passed. Adjourned to 9 o'clock Monday morning.

¹ Rev. Charles Walker was elected.

² For speech see *Appendix A*.

MONDAY Oct. 12, 1829. 9 o'clock A M.

The Governor and Council met agreeably to adjournment. The Hon^{ble} James Davis, from Franklin County, appeared in the Council Chamber, was duly qualified and took his seat as a member of the Council.

The House sent up, for concurrence in the reference, the following, to wit, The petition of Cyrus Smith ; "An act directing the Treasurer to pay Joseph Rollings the sum therein mentioned" ; The petition of Nathan White ; The petition of John Chaffee ; The petition of Jacob Kent & The petition of Samuel B. Booth ; with an order of reference thereon to the Committee of claims ; The petition of Joseph A. Gallup & others, with an order of reference thereon to the Committee on Education ; "An act making provisions for settling the concerns of the Vermont State Bank, and to repeal an act therein mentioned," & the petition of Albe Davison, with an order of reference on each to the Committee of ways and means ; The petition of Nathan Young & others ; The petition of James Petrie & others ; The petition of Luther F. Gates & others ; and The petition of John Warner and others, with an order of reference on each to the Committee on Military affairs ; "An act for the preservation of public bridges" ; The petition of the Inhabitants of the town of Shrewsbury ; "An act to repeal an act therein mentioned" ; The petition of Elias Lyman & others, and The petition of the town of Weathersfield ; with an order of reference on each to the Committee on roads and canals ; "An act laying a tax of cents on each acre of land in the town of Wenlock" ; "An act laying a tax on the lands in Goshen Gore, in the County of Caledonia" ; "An act laying a tax of four cents on each acre of land in the town of Canaan" ; The petition of the Select-men of Eden ; The petition [of] Marshfield ; The petition of Abel Alton & others ; The petition of Joshua Wade & others ; The petition of Jairus Stebbins & others, & The petition of the Select-men of Newbury, with an order of reference on each to the Land-Tax Committee ; "An act relating to the sale of personal property attached on mesne process" ; The petition of the town of Ripton ; "An act for the benefit of poor debtors" ; "An act in addition to an act entitled 'An act directing the proceedings against Trustees of absent or concealed debtors'" ; "An act regulating shows and other exhibitions" ; The petition of Jabez Delano ; & The petition of Africa & John Davis ; with an order of reference on each to the Judiciary Committee ; Whereupon, *Resolved* to concur in said several orders of reference.

The House sent up, for concurrence in passing, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of repealing the act, passed Oct. 29, 1828, increasing the number of Judges of the Supreme Court to five ;—Also the expediency of increasing the salaries of the judges of that Court" ; which was read,—Whereupon, *Resolved* to concur in passing said resolution.

The petition of John Canada, a convict in the State prison, was taken up, and on the question "Shall the said John Canada be discharged from the State prison, on condition of leaving the State within twenty days ?" it was determined in the affirmative :—Yeas 13, Nays 0. Those, who voted in the affirmative, were, The Lieut. Governor, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Davis, Deming, Harris, Hoyt, Langdon, Lyman, Pierpoint, Thompson, & Worthington. The petition of Reuben T. Hathaway, a convict in the State prison, was taken up, and the question "Shall the said Reuben T. Hathaway be discharged from the State prison ?" was determined in the affirmative—Yeas 13, Nays 0. Those who voted in the affirmative were, The Lieut. Governor, Messrs. Allen, Clark of Bennington County, Clark of Wind-

ham County, Davis, Deming, Harris, Hoyt, Langdon, Lyman, Pierpoint, Thompson & Worthington. Adjourned to 2 o'clock P. M.

2 o'CLOCK P. M.—The Governor and Council met agreeably to adjournment, & Adjourned to 9 o'clock to-morrow morning.

TUESDAY Oct. 13, 1829. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. The House sent up, for concurrence in passing, the following resolutions of that body, of yesterday, to wit, "Resolved, the Governor and Council concurring herein, that both houses meet in the Representatives' room, to-morrow morning, at nine o'clock, for the purpose of electing a Brigadier General in the second brigade and first division of the Militia of Vermont." "Resolved, the Governor and Council concurring herein, that both Houses meet in joint Committee, tomorrow morning, at ten o'clock, for the purpose of electing a Brigadier General in the first Brigade and first division," which were severally read, Whereupon, *Resolved* to concur in passing said resolutions, and *Ordered* that the Secretary inform the House accordingly.

Received from the House the following list of joint committees, to wit, A committee of four, denominated the Committee of Ways & Means. A committee of four, denominated the Committee on Military affairs. A committee of four, denominated the Judiciary Committee. A committee of four, denominated the Committee of Claims. A committee of four, denominated the Committee on roads & Canals. A committee of four, denominated the Committee of Insolvency. A committee of four, denominated the Committee of Manufactures. A committee of four, denominated the Committee of Agriculture. A committee of four, denominated the Land Tax Committee. A committee of thirteen, denominated the Committee on Education, & A committee of four denominated the General Committee, in which the House requested the Governor and Council to join, by the appointment on their part, of members of said Committees, Whereupon, *Resolved* to concur in the appointment of said several Committees, and the following gentlemen were appointed from Council, to wit, Mr. Davis was appointed on the Committee of Ways & Means, Mr. Clark of Bennington C^a on the Committee on Military affairs, Mr. Thompson on the Judiciary Committee, Mr. Lyman on the Committee of Claims, Mr. Langdon on the Committee on roads and canals, Mr. Harris on the Committee of Insolvency, Mr. Clark of Windham County on the Committee of Manufactures, Mr. Hoyt on the Committee of Agriculture, Mr. Allen on the Land-Tax Committee, Mr. Pierpoint on the Committee on Education, and Mr. Worthington on the General Committee.

The Governor and Council attended in the Representatives' room, for the purpose of electing a brigadier General of the second Brigade of the first division, a brigadier General of the first Brigade of the first division, and for the appointment of County officers. After which they returned to their Chamber.¹ Adjourned to 2 o'clock P. M.

2 o'CLOCK P. M.—The Governor and Council met agreeably to adjournment. The House sent up, for concurrence in the reference, the following, to wit, "An act establishing an academy at Manchester in the County of Bennington," and The petition of the Trustees of Bradford Academy, with an order of reference on each to the Committee on Education; "An act in alteration of, and in addition to an act, entitled 'An

¹ Daniel Bowen and Denzel D. Rand were elected Brigadier Generals.

act, directing the mode of obtaining licences and regulating inns and houses of public entertainment," and "The report of the Committee appointed to examine into the concerns of the Vermont State prison," with an order of reference on each to the Committee of Ways & Means; "An act in alteration and amendment of an act, passed Oct. 30, 1828, directing the times in which a road through Ryegate, in the County of Caledonia, shall be made, & repealing an act therein mentioned." "An act relating to the Arch bridge across White river in Sharon," and "An act relating to the bridge across White river in Bethel," with an order of reference on each to the Committee on roads and canals; The petition of the town of Readsborough; The petition of Luther Martin and others; and The petition of the Select-men of Newbury, with an order of reference on each to the Land Tax Committee; The petition of Aaron Willard and others, with an order of reference thereon to the Committee of Manufactures; "An act in addition to an act, entitled 'an act in addition to the several acts, constituting the Supreme Court, and regulating judicial proceedings,' passed Nov. 7, 1825," with an order of reference thereon to the Judiciary Committee; "Account of the overseers of the poor of Middlebury, against the State," disallowed by the Auditor, and referred to the General Assembly; and the "Account of Austin Birchard against the State," disallowed by the Auditor and referred to the General Assembly; with an order of reference on each to the Committee of claims. Whereupon, *Resolved* to concur in said several orders of reference.

Received from the House, for concurrence in passing, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that this House adjourn its session, in the afternoon on Wednesday next at four o'clock, for affording the Vermont Bible Society an opportunity to hold its annual meeting in this House"; which was read; Whereupon *Resolved* to concur in passing said resolution with the following proposals of amendment, to wit, "Strike out the words, 'this House,' in the second line, and insert in lieu thereof, the words 'both Houses'; Strike out the words 'its session'; Strike out also the word 'four' in the fifth line, and insert in lieu thereof, the words 'half past two'"—And *Ordered* that the Secretary notify the House accordingly.

Received, also, from the House, for concurrence in passing, the following resolutions, to wit, "Resolved, the Governor and Council concurring herein, that so much of his Excellency's speech, as relates to licences for retailing spirituous liquors, be referred to the Committee of Ways and Means:" "Resolved, the Governor and Council concurring herein, that so much of his Excellency's speech as relates to treating Militia Companies with spirituous liquors, be referred to the Committee on Military affairs;" Which were read, Whereupon, *Resolved* to concur in passing said resolutions. Received, also, from the House, for concurrence in passing, the following resolution to wit, "Resolved, the Governor and Council concurring herein, that so much of his Excellency's speech, as relates to Common Schools, be referred to the Committee on Education;" which was read, Whereupon, *Resolved* to concur in passing said resolution.

Received, also, from the House, for concurrence in passing, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the two Houses meet in the Representatives' room, on Wednesday next, at ten o'clock, in the forenoon, for the purpose of electing judges of the Supreme Court," which was read, and *Ordered* to lie on the table.

The House sent up, for concurrence in the reference, the following, to wit, The petition of Levi Hall, with an order of reference thereon to

the Committee of Ways and Means ; Whereupon, *Resolved* to concur in said order of reference.

Received from the House, for concurrence in the reference, the following, to wit, The petition of Nahum Swallow & others, praying an investigation of the circumstances of the death or escape of Joseph Burnham from the State prison, with an order of reference thereon to a committee of four to join from Council ; Whereupon, *Resolved* to concur in said order of reference, and Mr. Pierpoint was appointed from Council.

Mr. Harris moved that the vote of the ninth instant, dismissing the petition of Thomas Williams, a convict in the State prison, be reconsidered ; and the question being taken thereon, it was determined in the negative. Adjourned to 9 o'clock tomorrow morning.

WEDNESDAY Oct. 14, 1829. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. The House sent up the following for concurrence in the reference, to wit, The petition of Samuel Collins and others, with an order of reference thereon to the Committee on Education ; The petition of Joel Houghton, The petition of Tappan Stevens, and The petition of Warren Hayden, with an order of reference on each to the Committee of claims ; The petition of the Select-men of Newport, with an order of reference thereon to the Land Tax Committee ; The State prison account current ; The report of the Superin^t of V^t State prison ; The petition of John Stearns & others, and the petition of George M. Dains, with an order of reference on each to the Committee of Ways & Means ; The petition of Alexander Fleming, with an order of reference thereon to the Judiciary Committee ; & "An act to incorporate the Burlington High School," with an order of reference thereon to the Committee on Education ; Whereupon, *Resolved*, to concur in said several orders of reference. Rec^d also, for concurrence in the reference, the following, to wit, The petition of Wm. W. Hitchcock, with an order of reference thereon to the Committee to be raised on the petition of Abraham Tourtelott ; & the petition of Erastus Clark, with an order of reference thereon to the committee last mentioned ; Whereupon, *Resolved* to concur in said several orders of reference.

Received, for concurrence in passing, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the Committee on Military affairs be instructed to inquire into the expediency of so altering the Militia law, as to exempt all persons from military duty, under twenty one and over thirty five years of age, and also the expediency of dispensing with most of the trainings now required by law, and report by bill or otherwise"; which was read, Whereupon, *Resolved*, to concur in passing said resolution. Also, the following resolution, to wit, "Resolved, that the Judiciary Committee be instructed to inquire into the expediency of so altering the Probate law, that widows, in certain cases, may have more than one half of the estate of their deceased husbands"; which was read, Whereupon, *Resolved* to concur in passing said resolution. Also, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the General Committee be instructed to inquire into the expediency of so altering or constructing an act, passed Nov. 13, 1823, as to produce a uniformity of practice of the listers of the several towns in this state in assessing under said law, and report by bill or otherwise"; which was read, Whereupon, *Resolved* to concur in passing said resolution.

The petition of Richard Collier, a state prison convict, was taken up, and the question "Shall the said Richard Collier be discharged from the

State prison?" was determined in the affirmative. Yeas 11, Nays 0. Those, who voted in the affirmative, were, The Lieut. Governor, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Davis, Harris, Hoyt, Langdon, Lyman, Thompson & Worthington.

The resolution from the House, which was yesterday laid on the table, assigning a time for the election of judges of the Supreme Court, was taken up and amended, by striking out the words "Wednesday next," and inserting, in lieu thereof, the words "Tuesday of next week." Whereupon, *Resolved* to concur in passing said resolution, as amended, & *Ordered* that the Secretary inform the House accordingly. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. The petition of William Randall, to be restored to his legal privileges, was called up & *Ordered* to lie on the table.

A message was received from the House of Representatives, by Mr. Dee, one of its members, informing that the House had refused to concur in the amendments yesterday proposed to the resolution for the adjournment of the House for the accommodation of the Vermont Bible Society, and after assigning reasons Mr. Dee withdrew, Whereupon, *Resolved*, to rescind from said proposed amendments,—and Thereupon, *Resolved* not to concur in passing said resolution, and the Lieut. Gov. was appointed to prepare reasons in writing, who forthwith reported the following, to wit, "The Governor and Council understand that the General Assembly have the independant right to adjourn when they please," which reasons were adopted—and it was *Ordered* that the Secretary return said resolution to the House with the reason aforesaid. Adjourned to 9 o'clock tomorrow morning.

THURSDAY Oct. 15, 1829. 9 o'clock A.M.

The Governor and Council met agreeably to adjournment. A message was received from [the] House of Representatives, by Mr. Smith of Barre, one of its members, informing that the House had resolved *not* to concur in the amendments proposed by the Governor & Council on the 14th Instant, to the resolution assigning a time for the election of judges of the Supreme Court, and, after assigning reasons, Mr. Smith withdrew. Whereupon, *Resolved* to rescind from said proposed amendment—and said resolution was further amended by striking out the word "Wednesday," & inserting, in lieu thereof, the word "Friday," & by striking out the words "at 10 o'clock in the forenoon," & inserting, in lieu thereof, the words "at 2 o'clock in the afternoon"; Whereupon, *Resolved* to concur in passing said resolution, as amended, and *Ordered* that the Secretary notify the House accordingly.

Rec^d. from the House, for concurrence in passing, the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that both Houses meet in joint Committee, in the Representatives' room, on Friday next at 10 o'clock in the forenoon, to elect a person to preach the next election sermon, a Surveyor-General, and an Auditor of accounts against the State," which was read, Whereupon, *Resolved* to concur in passing said resolution, & *Ordered* that the Secretary inform the House accordingly.

Rec^d. also the following resolution, to wit, "Resolved that the Committee on Military affairs be instructed to inquire into the expediency of so altering the militia law, that the militia of this state be not liable to be mustered by brigades, in time of peace, & report, by bill or otherwise," which was read;—Whereupon, *Resolved* to concur in passing said resolu-

tion. Rec^d, also, the following resolution, to wit, "Resolved that the judiciary Committee be instructed to inquire into the expediency of compensating jurors for their travel, when attending before a justice of the peace, and that they have leave to report by bill or otherwise," which was read; Whereupon, *Resolved*, to concur in passing said resolution. Rec^d, also, the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that so much of His Excellency's Speech, as relates to the alteration of the law respecting Common Schools, be referred to the Committee on Education"; which was read; Whereupon, *Resolved* to concur in passing said resolution. Rec^d also, the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that the judiciary Committee be instructed to inquire into the expediency of so altering the law for the election of Governor, Lieutenant Governor, treasurer and Councillors, that their votes may be fairly *written* or *printed* on suitable pieces of paper," which was read; Whereupon, *Resolved* to concur in passing said resolution; Received, also, the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that the Committee of claims be instructed to examine the several reports, made to the Legislature, at this session, by the Clerks of the several County Courts, agreeably to a resolution passed Oct. 30, 1828, & report the facts therein contained to this House"; which was read; Whereupon, *Resolved* to concur in passing said resolution. Received, also, the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that so much of His Excellency's speech as relates to the state prison, and the improvement therein, be referred to a select committee of four to join from Council"; which was read; Whereupon, *Resolved* to concur in passing said resolution, and Mr. Langdon was appointed from Council. Rec^d, also, the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that so much of His Excellency's speech as relates to the several acts, regulating particular land taxes, be referred to a committee of four members of this House, to join from Council," which was read, Whereupon, *Resolved* to concur in passing said resolution, and Mr. Clark of Windham Co^a is appointed from Council. Rec^d also, the following resolution, to wit, "Resolved, the Governor & Council concurring herein, that a committee of four members of this house, to join from Council, be appointed to inquire into the expediency of taking from the first Congressional district, the towns of Pawlet, Danby, & Mount Tabor, in the County of Rutland, and annexing the same to the second Congressional District, & report by bill or otherwise," which was read. Whereupon, *Resolved* to concur in passing said resolution, and Mr. Davis was appointed from Council.

The House sent up, for concurrence in the reference, the following, to wit, The petition of Abraham Tourtelot, with an order of reference thereon to a committee of two members of the House to join from Council, Whereupon, *Resolved* to concur in said order of reference, and Mr. Worthington was appointed from Council. Also, "An act to incorporate the President, Directors & Company of the bank of Manchester," with an order of reference thereon to a committee of two members of the House to join from Council, Whereupon, *Resolved* to concur in said order of reference, and Mr. Allen was appointed from Council. Also, The petition of Jared Spaulding & others, with an order of reference thereon to a committee of two members of the House, to join from Council, Whereupon, *Resolved* to concur in said order of reference, and Mr. Davis was appointed from Council. Also, The petition of Sewall Fullum jr. and others, with an order of reference thereon to a committee of two members of the House, to join from Council. Whereupon, *Resolved* to concur in said order of reference and Mr. Lyman was

appointed from Council. Also, The petition of Jesse Cone and others; with an order of reference thereon to a committee of two members of the House, to join from Council; Whereupon, *Resolved* to concur in said order of reference & Mr. Clark of Windham C^a was appointed from Council. Also, The petition of William Weed and others, with an order of reference thereon to a committee of two members of the House to join from Council, Whereupon *Resolved* to concur in said order of reference, and Mr. Clark of Bennington County was appointed from Council. Also, The petition of Samuel Tagert and William Tagert, with an order of reference thereon to a committee of two members of the House to join from Council; Whereupon, *Resolved* to concur in said order of reference, and Mr. Hoyt was appointed from Council. Also, The petition of Elijah Clark and others, with an order of reference thereon to a committee of three members of the House to join from Council; Whereupon, *Resolved* to concur in said order of reference, and Mr. Pierpoint was appointed from Council. Also, The petition of the Inhabitants of Cambridge, with an order of reference thereon to a committee of three members of the House to join from Council. Whereupon, *Resolved* to concur in said order of reference, and Mr. Deming was appointed from Council. Also, The petition of Joseph W. Eldridge and others, with an order of reference thereon to a committee of four members of the House to join from Council. Whereupon, *Resolved* to concur in said order of reference, and Mr. Clark of Windham County was appointed from Council. Also, The petition of Caleb Bufum with an order of reference thereon to a committee of two members of the House to join from Council. Whereupon *Resolved* to concur in said order of reference & Mr. Clark of Bennington C^a was appointed from Council. Also, The petition of Amasa Edson and others, with an order of reference thereon to a committee of four members of the House, to join from Council, Whereupon *Resolved* to concur in said order of reference and Mr. Langdon was appointed from Council. Also, The petition of Richard Sterling, with an order of reference thereon to a committee of three members of the House, to join from Council, Whereupon, *Resolved* to concur in said order of reference and L^t Gov. Olin was appointed from Council. Also, "An act annexing a part of the town of Brookfield to the town of Chelsea," with an order of reference thereon to a committee of two members of the House to join from Council. Whereupon, *Resolved* to concur in said order of reference, and Mr. Harris was appointed from Council. Also, "An act incorporating the Rutland Fire Society," with an order of reference thereon to a committee of two members of the House, to join from Council. Whereupon, *Resolved*, to concur in said order of reference, and Mr. Thompson was appointed from Council. Also, "An act constituting a new county by the name of Cumberland," with an order of reference thereon to a committee of three members of the House to join from Council. Whereupon, *Resolved* to concur in said order of reference, and L^t Gov. Olin was appointed from Council.

Rec^d also, from the House, a communication to that body from His Excellency, the Governor, transmitting "certain resolutions & other documents, adopted by the Legislatures of South Carolina, Georgia, Virginia, & Missouri," together with said documents, with an order of the House thereon, referring the same to a committee of five members of the House to join from Council. Whereupon, *Resolved* to concur in said order of reference, and Mr. Deming was appointed from Council. Also, "An act for the further relief of the town of Westfield," and "An act directing the treasurer of this State to credit the first Constable of the town of Wolcott the sum therein mentioned," with an order of reference

on each to the Committee of Ways and Means. Whereupon, *Resolved* to concur in said several orders of reference. Also, The petition of Emmanuel Sawyer, with an order of reference thereon to the Committee of claims; The petition of the Artillery Company in Enosburgh, with an order of reference thereon to the Committee on Military affairs, *Also*, "an act in addition to and amendment of an act entitled 'An act to enforce the due observance of the Sabbath,' passed March 3, 1797," "An act in addition to an act entitled 'an act for the punishment of certain inferior crimes and misdemeanors,'" and "An act for the relief of Ursula Phebe Atkinson and Joseph William Atkinson," with an order of reference on each of the three last mentioned to the judiciary Committee; The petition of the Selectmen of Cavendish, Remonstrance of Inhabitants of Cavendish, Remonstrance of Inhabitants of Weathersfield, Remonstrance of the Inhabitants of Weathersfield, "An act extending the time for making a road in the towns of Eden, Kellyvale, Troy & Westfield," The petition of John Catlin, The petition of Joel Frost and Hiram Buck, The petition of John McDuffie, and The petition of Matthew Chambers and others, with an order of reference on each of the nine last mentioned to the Committee on roads and Canals, Whereupon, *Resolved* to concur in said several orders of reference. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. The House sent up for concurrence in the reference, the following, to wit, The petition of the towns of Belvidere, Wolcott, Hyde-park, Eden, Johnson, Waterville, Sterling and Morristown, with an order of reference thereon to the Committee raised on the petition of the inhabitants of Cambridge; The petition of Hugh Tom, The petition of William Cubley, and "An act authorizing certain persons therein named, to hold and convey real estate," with an order of reference on each of the three last mentioned to the Committee raised on the petition of Samuel & W^m. Taggart; Whereupon *Resolved* to concur in said several orders of reference.

Mr. Pierpoint introduced the following resolution, to wit, "In Council Oct. 15, 1829. *Resolved*, the General Assembly concurring herein, that both Houses meet in the Representatives' room on Friday next at three o'clock in the afternoon, for the purpose of electing judges of the Supreme Court for the year ensuing," which was read and passed.

A message was received from the House of representatives, by Mr. Elliot, one of its members, informing that the House had refused to concur in the amendments this morning proposed by the Governor and Council to the resolution of the House assigning a time for the meeting of both Houses for the purpose of electing judges of the Supreme Court, and after assigning reasons Mr. Elliot withdrew. Whereupon, said resolution was *Ordered* to lie on the table.

A communication was received from the Speaker of the House of Representatives, requesting the Governor and Council to return to that body a bill entitled "An act in explanation of an act entitled 'an act, ascertaining the principles on which the list of this state shall be made, and directing listers in their office and duty,'" which bill was suspended by the Governor and Council at their session in October last, Which communication was read, Whereupon, *Ordered* that the Secretary return said bill to the General Assembly, which was accordingly done.

The petition of Jabez K. Parkhurst, a convict in the state prison, was taken up, and the question, "Shall the said Jabez K. Parkhurst be discharged from the state prison?" was determined in the affirmative. Yeas 9, Nays 3. Those who voted in the affirmative, were, Messrs.

Clark of Bennington County, Clark of Windham County, Davis, Deming, Harris, Hoyt, Lyman, Pierpoint and Thompson. Those who voted in the negative were, The Lieut. Governor, Messrs. Allen, and Worthington.

Rec^d for concurrence in passing, the following resolution from the House of Representatives, to wit, Resolved, the Governor and Council concurring herein, that both Houses meet in the representatives' room, at 10 o'clock on Friday morning next, for the purpose of electing judges of the Supreme Court," Which was read, and *Ordered* to lie on the table.

The petition of Peter J. Nichols, a convict in the State prison, was taken up, and the question "Shall a pardon be granted to the said Peter J. Nichols?" was determined in the affirmative, Yeas 7, Nays 6. Those who voted in the affirmative were, Messrs. Allen, Clark of Windham County, Harris, Hoyt, Lyman, Pierpoint & Thompson. Those who voted in the negative were, The Lieut. Governor, Messrs. Clark of Bennington County, Davis, Deming, Langdon and Worthington. Adjourned to 9 o'clock tomorrow morning.

FRIDAY October 16, 1829. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. The resolution which was returned from the House yesterday & laid on the table, assigning a time for the election of judges of the Supreme Court for the year ensuing, was taken up and again *Ordered* to lie on the table.

A Message was received from the House of Representatives, by Mr. Pettibone, one of its members, with the resolution yesterday sent down by the Governor and Council, assigning a time for the election of judges of the Supreme Court, informing that the House had resolved to concur in passing said resolution, with the following proposal of amendment, to wit, "Strike out the words '3 o'clock P. M.' and insert in lieu thereof the words '10 o'clock A. M.'" Which was considered, Whereupon, *Resolved* to concur in said proposals of amendment, and *Ordered* that the Secretary inform the House accordingly.

Rec^d from the House of Representatives, for concurrence in passing, the following resolution, to wit. "Resolved, the Governor and Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of so varying or altering the law, relating to marriage and divorce, as to render the penalties, therein mentioned, more equitable and explicit, and that they report by bill or otherwise," which was read, Whereupon, *Resolved* to concur in passing said resolution. Rec^d also, the following resolution, to wit. "Resolved, that the Judiciary Committee be instructed to inquire into the expediency of repealing the act, passed Nov. 6, 1812, entitled 'An act for the preservation of Muskrats,'" which was read, Whereupon, *Resolved* to concur in passing said resolution. Rec^d also, the following resolution, to wit. "Resolved, the Governor and Council concurring herein, that three persons be appointed by the joint ballot of both Houses to investigate the circumstances of the death or escape of Joseph Burnham, a convict in the Vermont State prison, in Oct. 1826, and that the persons, so appointed, shall have power to send for persons and papers, and report to the Legislature at this session," which was read, Whereupon, *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary notify the House accordingly.

Rec^d also from the House of Representatives "Resolutions Adopted by the General Assembly of the State of Missouri, on the subject of amending the Constitution of the United States," with an order of

reference thereon to the committee to be raised on the resolutions of Louisiana. *Ordered* that said resolutions lie on the table.

Rec^d from the House of Representatives, for concurrence in the reference, the following, to wit, The petition of Wait Scott and others, with an order of reference thereon to the Committee of Ways & Means. Also, "An act to incorporate the Green river Manufacturing Company," & "An act incorporating certain persons therein named by the name of the National Hydraulic Company," with an order of reference on each to the Committee on Manufactures. Also, "An act directing the Treasurer to pay Joshua Y. Vail and John McDuffie, the sums therein mentioned," with an order of reference thereon to the Committee of Claims. Also, "An act repealing an act, entitled 'An act to preserve the fish in the streams running in and through the town of Bennington in the County of Bennington,'" with an order of reference thereon to the committee raised on the petition of W^m. Weed and others. Also, The petition of Zebina Cushman and others, with an order of reference thereon to the committee raised on the petition of Jared Spaulding & others. And, "An act allowing interest on Executions, and to repeal an act therein mentioned," with an order of reference thereon to the Judiciary Committee. Whereupon, *Resolved* to concur in said several orders of reference.

Rec^d also, for concurrence in the reference, the following, to wit, The petition of E. D. G. Burrington, with an order of reference thereon to the members of the House of Representatives from the County of Orleans to join from Council. Whereupon, *Resolved* to concur in said order of reference and Mr. Allen was appointed from Council. Rec^d also, The petition of John C. Morrill, with an order of reference thereon to the committee raised on the petition of Abraham Tourtelotte. Also, The "report of the Superintendent of the Vermont State prison on the subject of enlarging the prison, and of solitary confinement," with an order of reference thereon to the committee raised on that part of His Excellency's speech relating to the State prison; Whereupon *Resolved* to concur in said several orders of reference. Rec^d also, The petition of Francis D. Parker, with an order of reference thereon to a committee of two members of the House of representatives to join from Council. Whereupon, *Resolved* to concur in said order of reference, and Mr. Langdon was appointed from Council. Also, "An act in addition to and alteration of an act entitled 'an act reducing into one the several acts for laying out, making, repairing and clearing highways,'" with an order of reference thereon to the Committee on roads and canals. Whereupon, *Resolved* to concur in said order of reference.

The Governor and Council attended in the representatives' room, for the election of a person to preach the next election sermon, a Surveyor General, An Auditor of accounts against this State and the judges of the Supreme Court, after which they returned to their chamber. Adjourned to 2 o'clock P. M.¹

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. The petition of Enoch Martin, a state prison convict, was taken up, and the question "Shall the said Enoch Martin be discharged

¹The following elections were made: to preach the then next election sermon, Rev. Geo. G. Ingersoll, and Rev. Sylvester Nash substitute; Surveyor General, Isaac N. Cushman; Auditor of Accounts, David Pierce; Judges of the Supreme Court, Samuel Prentiss, Titus Hutchinson, Charles K. Williams, Stephen Royce Jr., and Ephraim Paddock.

from the State prison?" was determined in the affirmative, Yeas 12, Nays 0. All the members of the Council voting in the affirmative, the Lieut^t Governor being excused from voting. The petition of Stephen Curtis, a convict in the State prison, was taken up, and, on motion, *Ordered* to be dismissed. On motion of Mr. Pierpoint, the vote of the 9th Instant, dismissing the petition of John Bean, was re-considered. The petition of Salmon Whitlock, a state prison convict, was taken up, and the question "shall the said Salmon Whitlock be discharged from the state prison?" was determined in the affirmative. Yeas 13, the Lieut. Governor and all the members of the Council voting in favor of said discharge. Adjourned to 9 o'clock to-morrow morning.

SATURDAY Oct. 17, 1829. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. The House sent up, for concurrence in passing, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that both Houses meet in joint committee in the Representatives' room on Saturday the 17th Inst. at ten o'clock in the forenoon, for the purpose of electing three commissioners to investigate the circumstances of the death or escape of Joseph Burnham from the State prison," which was read, Whereupon, *Resolved* to concur in passing said resolution, & *Ordered* that the Secretary inform the House accordingly.

Received also from the House, for concurrence in the reference, the following, to wit. Auditor's report of the Treasury; "An act directing the Treasurer of this state to credit the town of Mansfield the sum therein named," & The petition of Joshua Davis; with an order of reference on each to the Committee of Ways & Means. Whereupon, *Resolved* to concur in said several orders of reference. Rec^d also, The petition of John Cushman, The petition of Josiah Lyon & The petition of Alpha Allen & others, with an order of reference on each to the Land Tax Committee; Whereupon, *Resolved* to concur in said several orders of reference. Rec^d also The petition of Alba Davison & The petition of John A. Pratt & others, with an order of reference on each to the Committee of Claims; Whereupon, *Resolved* to concur in said orders of reference. Rec^d also, "An act in addition to and alteration of an act entitled 'an act allowing indorsers to maintain actions in their own names,'" "An act in addition to an act entitled 'an act constituting the Supreme Court of Judicature & County Courts, defining their powers & regulating judicial proceedings,'" and "An act extending the jurisdiction of Constables," with an order of reference on each to the Judiciary Committee. Whereupon, *Resolved* to concur in said several orders of reference. Rec^d also, the following, to wit, The petition of Inhabitants of Woodbury for annexing said town to the County of Washington, with an order of reference thereon, to the committee, raised on the petition of Joseph W. Eldridge & others; The petition of Elias Stevens & others, with an order of reference thereon to the committee raised on the bill establishing a new county by the name of Cumberland. The petition of Daniel A. Carpenter & others, with an order of reference thereon to the Committee on Military affairs, and "An act incorporating a fire Society in the village of St Albans;" with an order of reference thereon to the committee raised on the bill incorporating a fire society in Rutland; Whereupon *Resolved* to concur in said several orders of reference.

Received from the House, for concurrence in passing, the following resolution to wit, "Resolved, the Governor & Council concurring

herein, that both Houses meet in the representatives' room on Monday next, at two o'clock in the afternoon, for the purpose of electing a Brigadier General of the third brigade & third division of the Militia of this State, to fill the vacancy occasioned by the resignation of General James Farnsworth"; which was read, Whereupon, *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary inform the House accordingly. Rec^d also, the following, to wit, "Resolved, the Governor and Council concurring herein, that the Land Tax Committee be directed to inquire into the expediency of providing by law for the publication of notices of petitions for land taxes, in the newspapers printed in Montpelier, instead of the newspapers in which such notices are now, by law, directed to be published, and report by bill or otherwise," which was read, whereupon, *Resolved* to concur in passing said resolution. Rec^d the following, for concurrence in the reference, to wit, "An act repealing an act, entitled 'an act to preserve the fish in the waters in the towns therein mentioned,'" with an order of reference thereon to the committee raised on the petition of Wm. Weed & others; Whereupon, *Resolved* to concur in said order of reference.

The House sent up to the Governor and Council, for their revision and concurrence or proposals of amendment, the following engrossed bill, to wit, "An act for the relief of Elisha Fuller," which was read, Whereupon, *Resolved* to concur in passing said bill, also the following engrossed bill, to wit, "An act relating to the arch bridge across White river in Sharon," which was read, Whereupon, *Resolved* to concur in passing said bill; Also, the following engrossed bill, to wit, "An act for the relief of John Doyle," which was read, Whereupon, *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of said concurrence in passing the three last mentioned bills.

The Governor and Council attended in the Representatives' room, for the purpose of appointing commissioners in the case of Joseph Burnham, after which they returned to their chamber.¹

¹ Robert Pierpoint, John Smith of St. Albans, and John S. Pettibone were elected commissioners. In 1826, Joseph Burnham was convicted of an infamous crime in Windsor County, and sent to the State Prison for ten years. He was the owner of a good farm, and when sick unto death in prison he was visited by a son, doubtless in reference to the disposition of his property. Joseph Burnham died in prison, and was buried at Woodstock. The son referred to was a mason, and so was the Hon. John H. Cotton, the then Superintendent of the State Prison. Joshua Cobb of Woodstock, subsequent to Burnham's death, went to the city of New York, and there met a man who so strongly resembled Joseph Burnham that he wrote to some friend in Woodstock that he had seen Joseph Burnham, and that he could not be dead, but must have escaped or been released from prison. Thereupon the people of Windsor County were much excited, and the anti-masonic portion of them were quite ready to suspect and charge that Burnham had been released by the mason Cotton. The legislature therefore instituted an investigation, the result being that Joseph Burnham was certainly dead, his remains having been exhumed and identified by his wife, and his semblance in New York proving to be another person. Out of this affair came a political brochure, entitled "The Doleful Tragedy of the raising of Jo.

The petition of Calvin Millen, a convict in the State prison, was taken up, and the question, "Shall the said Calvin Millen be discharged from the State prison?" was determined in the negative. Yeas 1. Nays 10. The member voting in the affirmative was Mr. Langdon. Those, who voted in the negative, were, the Lieut. Governor, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Davis, Deming, Harris, Lyman, Pierpoint and Worthington. The petition of James Weston, a convict in the State prison, was taken up, and on motion of Mr. Pierpoint, *Ordered* to lie on the table. Adjourned to 2 o'clock P. M.

2 o'clock P. M.—The Governor and Council met agreeably to adjournment. The petition of James Weston, which was this morning laid on the table, was taken up, and the question, "Shall the said James Weston be discharged from the State prison?" was determined in the affirmative. Yeas 11. Nays 0. Those, who voted in the affirmative, were the Lieut. Governor, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Davis, Deming, Harris, Langdon, Lyman, Pierpoint & Worthington.

Mr. Langdon, on motion, was excused from acting on the committee raised on the petition of Amasa Edson & others, and Mr. Clark of Windham County was appointed in his stead. Adjourned to 9 o'clock, Monday morning.

MONDAY Oct. 19, 1829. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. The House sent up the following, for concurrence in the reference, to wit, "An act to preserve fish in the several waters in the town of Starksboro', in the County of Addison," with an order of reference thereon to the committee raised on the petition of William Weed and others; "An act regulating and governing the exhibition of natural and artificial curiosities within this state," with an order of reference thereon to the General Committee; "An act in addition to an act establishing permanent salaries for certain officers, and for regulating certain fees and taxable costs," with an order of reference thereon to the Judiciary Committee; Whereupon, *Resolved* to concur in said several orders of reference. Rec^d also, the following, to wit, "An act directing the Treasurer to pay James Davis the sum therein mentioned," and The petition of William Forbes, with an order of reference on each to the Committee of claims; The petition of George M. Danis, with an order of reference thereon to the Committee of Ways & Means, and "An act establishing an Academy at Craftsbury, in the County of Orleans," with an order of reference thereon to the Committee on Education; Whereupon, *Resolved* to concur in said several orders of reference.

Burnham, or the Cat let out of the Bag," which was printed at Woodstock in 1832, its purpose being to satirize anti-masonry as a scheme for political preferment. A copy of this tragedy, with a key to its principal characters by the late Rev. Pliny H. White, is in the library of the Vermont Historical Society. Mr. White attributed the authorship to Benj. F. Kendall, but it was probably the joint production of Kendall and its printer, Wm. W. Prescott, the latter having been in the habit of "spouting Shakspeare."—For report of the commissioners see printed *Assembly Journal* of 1829, p. 167.

The House sent up, for concurrence in passing, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the Judiciary Committee be directed to inquire into the expediency of providing by law for paying the expence of pursuing and arresting persons who have been guilty of the commission of crimes, and report by bill or otherwise"; Which was read, Whereupon, *Resolved* to concur in passing said resolution.

The petition of Archibald Duncan, a convict in the State prison, was taken up, and the question, "shall the said Archibald Duncan be discharged from the State prison?" was determined in the affirmative. Yeas 9. Nays 1. Those, who voted in the affirmative, were the Lieut. Governor, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Davis, Deming, Harris, Langdon & Worthington. The member voting in the negative was Mr. Lyman. The petition, for a pardon, of William Randall, convicted at St Albans in the County of Franklin, at a special term of the County Court, holden in November 1826, of having in his possession, with intent to utter them, certain counterfeit notes of the Bank of the United States, and sentenced, at the January Term 1827 of the Supreme Court in said county, to pay a fine of one hundred dollars and costs of prosecution taxed at \$66.87, was taken up and the question "Shall a pardon be granted to the said William Randall?" was determined in the affirmative—Yeas 11, Nays 0. Those, who voted in the affirmative, were, the Lieut. Governor, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Davis, Deming, Harris, Langdon, Lyman, Pierpoint and Worthington.

The petition of Silas Hathaway jr. a convict in the State prison, was taken up and the question, "Shall the said Silas Hathaway jr. be discharged from the State prison?" was determined in the affirmative. Yeas 8, Nays 3. Those, who voted in the affirmative, were, the Lieut. Governor, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Davis, Deming, Langdon and Worthington. Those, who voted in the negative, were Messrs. Harris, Lyman and Pierpoint.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment, and proceeded to the Representatives' room & attended to the election of a Brigadier General of the third Brigade and third division of the Militia of this State. After which they returned to their Chamber and adjourned to 9 o'clock to-morrow morning.¹

TUESDAY Oct. 20, 1829. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. The House sent up, for concurrence in the reference, the following, to wit, "An act in addition to an act, entitled 'an act constituting the Supreme Court of Judicature & County Courts, defining their powers and regulating judicial proceedings,' passed Mar. 2. 1797"; "An act for the relief of poor debtors"; "An act, in addition to an act entitled 'an act appointing notaries public & declaring their office and duty,'" "An act in explanation of the eighth section of an act, entitled 'an act for the limitation of suits on penal statutes, criminal prosecutions & actions at law,' passed Nov. 6. 1797"; "An act in addition to an act, defining the powers of Justices of the peace within this State, passed Mar. 4. 1797"; "Report of the agency of T. Hutchinson in relation to society or school lands"; and "An act providing a compensation to the Hon. Bates

¹ Harry Soule was elected.

Turner, late judge of the Supreme Court"; with an order of reference on each to the Judiciary Committee. Also, The petition of John Kilburn, with an order of reference thereon to the Committee of Claims; The petition of Benjamin Swan, with an order of reference thereon to the Committee of Ways and Means; The petition of Frederick Pettes & others, with an order of reference thereon to the Committee on roads and Canals; and "An act to revive an act entitled 'an act laying a tax on the lands in Kingston.'" with an order of reference thereon to the Land tax Committee, Whereupon, *Resolved* to concur in said several orders of reference. Rec^d from the House, for concurrence in the reference, the following, to wit, The petition of John B. Allen, with an order of reference thereon to a committee of two members of the House of Representatives to join from Council. Whereupon, *Resolved* to concur in said order of reference and Mr. Hoyt was appointed from Council. The petition of Samuel E. Chalker & others, with an order of reference to a committee of three members of the House of Representatives, to join from Council, Whereupon, *Resolved* to concur in said order of reference and Mr. Lyman was appointed from Council. Also, "Resolutions of the Legislature of the State of Louisiana," with an order of reference thereon to a Committee of four members of the House of Representatives to join from Council; Whereupon, *Resolved* to concur in said order of reference, and Mr. Langdon was appointed from Council.

Also, the resolutions adopted by the General Assembly of the State of Missouri on the subject of amending the Constitution of the United States, which were laid on the table on the 16th Instant, were taken up, Whereupon, *Resolved* to concur in the order of the House thereon referring the same to the com. on the resolutions of the Legislature of the State of Louisiana.

Rec^d for concurrence in passing, the following resolution from the House of Representatives, to wit, "Resolved, the Governor and Council concurring herein, that a committee of two members from the House, to join from Council, be appointed to examine the several reports of the Sheriffs & Commissioners of jail delivery, & report the facts contained therein to the General Assembly"; which was read; Whereupon, *Resolved* to concur in passing said resolution, and Mr. Harris was appointed from Council. Rec^d also, the following, to wit, "Resolved, the Governor and Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of providing by law, whenever the Select men of any town are called on to fix a place for a district school-house, in case the individual owning the land and the district cannot agree in relation to the land, the Selectmen may set out the same and affix the value to be paid therefor, which, when paid, shall vest in the district the right to use and occupy said land, for the purpose aforesaid"; Which was read, Whereupon, *Resolved* to concur in passing said resolution.

Rec^d also the following, to wit, "Resolved, the Governor and Council concurring herein, that the judiciary Committee be instructed to inquire into the expediency of so amending the fee bill regulating Sheriffs and Constables fees, as to reduce to practice a uniform system of taxing for posting and selling property taken on Execution." Which was read. Whereupon, *Resolved* to concur in passing said resolution.

Rec^d also, the following, to wit, "Resolved, the Governor and Council concurring herein, that the Committee of Ways & Means be instructed to inquire into the expediency of altering the law, so as to limit the powers now given to the collectors of rates & taxes to a certain period of time, and report by bill or otherwise"; which was read, Whereupon *Resolved* to concur in passing said resolution.

Rec^d. also, the following, to wit, "Resolved, the Governor and Council concurring herein, that our Senators in Congress be instructed, & our representatives requested to use their influence, to procure such alterations of the Militia laws of the General Government, as to exempt from Military duty, in time of peace, all persons under twenty one and over thirty five years of age." "Resolved, that the Secretary of State be directed to transmit a copy of the foregoing resolution to each of the Senators and Representatives from this State in the Congress of the United States,"—which were read; Whereupon, *Resolved* to concur in passing said resolutions, and *Ordered* that the Secretary inform the House accordingly.

Rec^d. also, the following, to wit. "Resolved, the Governor and Council concurring herein, that His Excellency be requested to appoint the first Thursday of December next to be observed as a day of public thanksgiving throughout this State"; which was read: Whereupon, *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary inform the House accordingly.

Rec^d. also, the following resolution of the House of this day, to wit, "Resolved, the Governor and Council concurring herein, that both Houses meet in the Representatives' room, at three o'clock, this afternoon, to elect a chaplain for the remaining part of this session"—which was read; Whereupon *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary inform the House accordingly.

Rec^d. also, the following resolution of the House of the 19th instant, to wit, "Resolved, the Governor and Council concurring herein, that both Houses meet in the Representatives' room to-morrow afternoon, at three o'clock, for the purpose of electing a Major General in the fourth division of Militia of Vermont," which was read, Whereupon, *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary inform the House accordingly.

The House sent up for revision and concurrence or proposals of amendment, the following engrossed bills, to wit, "An act laying a tax on the lands in Readsboro"; and "An act for the relief of Levi Hall," which were severally read, Whereupon, severally *Resolved* to concur in passing said two last mentioned bills, and *Ordered* that the Secretary inform the House accordingly.

The petition of John Reynolds, a state prison convict, was taken up and the question "Shall the said John Reynolds be discharged from the state prison?" was determined in the affirmative, Yeas 8, Nays 3. Those, who voted in the affirmative, were, Messrs. Clark of Bennington County, Clark of Windham County, Davis, Deming, Harris, Lyman, Thompson and Worthington. Those, who voted in the negative, were Messrs. Allen, Hoyt & Langdon. The petitions of George Johnson, of David Older, and of Moses Clough, convicts in the State prison, were taken up and severally *Ordered* to be dismissed.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M. — The Governor and Council met agreeably to adjournment. The House sent up for concurrence, the following resolution of to day, to wit, "Resolved, the Governor and Council concurring herein, that both Houses meet in joint committee, at three o'clock, this afternoon, in the representatives' room, for the purpose of choosing a superintendent of the Vermont State prison for the year ensuing," which was read; Whereupon, *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary inform the House accordingly.

The petition of John Bean, a convict in the State prison, was taken up, and the question "Shall the said John Bean be discharged from the

State prison?" was determined in the negative, every member present voting in the negative, to wit, The Lieut. Governor, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Davis, Deming, Harris, Hoyt, Langdon, Lyman and Thompson.

The Governor and Council attended in the representatives' room for the election of a Major General of the 4th division of the militia of this State, a Chaplain for the remainder of the Session, and a Superintendent of the Vermont State prison, after which they returned to their chamber and adjourned to 9 o'clock tomorrow morning.¹

WEDNESDAY Oct. 21, 1829. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. The House sent up, for revision & concurrence or proposals of amendment, the following engrossed bill, to wit, "An act for the relief of Jefferson Scott, Lemuel Scott & Wait Scott," which was read, Whereupon, *Resolved* to concur in passing said bill. Also, the following engrossed bill, to wit, "An act authorizing certain persons therein named to hold & convey real estate," which was read, Whereupon, *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the passage of the two bills above mentioned.

Rec^d. also, for revision & concurrence or proposals of amendment, the following engrossed bill, to wit, "An act amending an act entitled 'an act establishing a corporation by the name of the Sherburne Turnpike Company,' passed Nov. 6, 1826," which was read & *Ordered* to be committed to Messrs. Thompson and Lyman to consider & report thereon.

Rec^d. for concurrence in the reference, the following, to wit, "An act in addition to the several acts ascertaining the principles, on which the list of this state shall be made, and directing listers in their office and duty"; "An act relating to Villages"; "An act altering the times of holding certain County Courts," and "An act repealing the 5th section of an act defining the powers of justices of the peace, passed Nov. 16, 1819"; with an order of reference on each to the judiciary Committee; Whereupon, *Resolved* to concur in said several orders of reference. Rec^d. also, The petition of Ira Coolidge & others, with an order of reference thereon to the Committee on Military affairs. "An act directing the Treasurer of this state to credit the first constable of the town of Goshen the sum therein mentioned," with an order of reference thereon to the Committee of Ways & Means; and "An act to abolish imprisonment for debt," with an order of reference thereon to the General Committee; Whereupon, *Resolved* to concur in said several orders of reference. Rec^d. also, "An act granting further time to make a road through the towns of Putney and Westminster," "An act granting to the inhabitants of the town of Dummerston, further time to make a road therein mentioned," and "An act for the protection of public bridges," with an order of reference on each to the Committee on roads and canals; Whereupon, *Resolved* to concur in said several orders of reference. Rec^d. also, The petition of David Harrington; Account of Stephen Haight against the state, disallowed by the auditor & referred to the General Assembly; and "An act directing the Treasurer to pay Joseph Howes the sum therein mentioned," with an order of reference on each to the Committee of claims; Whereupon, *Resolved* to concur in

¹ The following elections were made: Benjamin Rolfe, Major General; Rev. John G. Dow, Chaplain; and John H. Cotton Superintendent of the State Prison.

said several orders of reference. Rec^d. also, The report of the Committee appointed to examine the Banks ; with an order of reference thereon to a committee of three members of the House of Representatives, to join from Council ; Whereupon, *Resolved* to concur in said order of reference and the Lieut. Governor was appointed from Council.

Rec^d. for concurrence in passing, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the judiciary Committee be instructed to inquire into the expediency of providing by law that the several probate Courts shall have power, on the application of the widow or heirs of any intestate estate, to grant leave to the Executor or administrator to sell and convey lands, tenements or hereditaments, for the purpose of paying the debts and legacies of said estate, when it can be shown to the satisfaction of the probate court, that it would be for the interest of the widow and heirs, notwithstanding the personal property is not disposed of ; and report by bill or otherwise," which was read, Whereupon, *Resolved* to concur in passing said resolution. Rec^d. Also, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the judiciary Committee be instructed to inquire into the expediency of so altering the law in relation to the direction of writs, that they shall be directed to any Sheriff, deputy Sheriff, or Constable in this state," Which was read, Whereupon, *Resolved* to concur in passing said resolution. Rec^d. also, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the judiciary Committee be instructed to inquire into the expediency of passing a law, directing the appointment of county commissioners of sales, to act as collectors of land taxes in their respective counties, whose deed shall pass a perfect title to the land by them conveyed, and, also, to inquire into the expediency of passing a law to prevent the transfer of land, which is claimed by an adverse vendue title," which was read, Whereupon, *Resolved*, to concur in passing said resolution. Rec^d. also, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the Committee on roads and canals be directed to inquire into the expediency of reducing the number of road commissioners to three in each county in this State," which was read, Whereupon, *Resolved* to concur in passing said resolution.

The Lieut. Governor, on motion and leave, introduced the following, to wit, "Resolved that a committee of three be appointed to inquire into the power of the Legislature to pass laws authorizing aliens to hold lands in this state, and report thereon," which was read and passed, & His Honor the Lieut. Governor, and Messrs. Thompson & Deming were appointed a committee for that purpose.

The petition of George Clark, a convict in the State prison, was taken up, and the question "Shall the said George Clark be discharged from the State prison, on condition of leaving the state within twenty days?" was determined in the affirmative. Yeas 11, Nays 0. Those who voted in the affirmative were, The Lieut. Governor, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Davis, Deming, Harris, Hoyt, Lyman, Thompson and Worthington.

The petition of George Craig, a convict in the State prison, was taken up, and the question, "Shall the said George Craig be discharged from the State prison?" was determined in the affirmative—Yeas 11. Nays 0. Those who voted in the affirmative were, the Lieut. Governor, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Davis, Deming, Harris, Hoyt, Lyman, Thompson & Worthington.

The petition of Caleb Clough of Norwich, for pardon for the crime of theft, of which he was convicted, on the 11th December 1824, before Eleazer T. Raymond, a justice of the peace for the County of Windsor, was taken

up, and the question, "Shall a pardon be granted to the said Caleb Clough?" was determined in the affirmative, Yeas 11, Nays 0. Those, who voted in the affirmative, were, the Lieut. Governor, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Davis, Deming, Harris, Hoyt, Lyman, Thompson and Worthington. The petitions of the following convicts in the state prison, were taken up, to wit, Esek Comstock, Francis Clements, Hiram Lee, alias John Crawford, James P. Brown, Lewis Baldwin, John Billington, Edward Earl, William Davis, Israel W. Freeman & Caleb R. Gillett, and were severally *Ordered* to be dismissed. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. The House sent up for concurrence the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the Judiciary Committee be instructed to inquire what, if any, alterations ought to be made in an act entitled 'an act relating to jails and jailers and for the relief of persons imprisoned therein,' passed Mar. 9. 1797, & to report by bill or otherwise," which was read, Whereupon, *Resolved* to concur in passing said resolution.

The petition of P. P. Gee, a convict in the State prison, was taken up, and the question "Shall the said P. P. Gee, be discharged from the State prison?" was determined in the affirmative, Yeas 7, Nays 4. Those, who voted in the affirmative, were, the Lieut. Governor, Messrs. Clark of Bennington County, Harris, Hoyt, Langdon, Lyman & Worthington. Those, who voted in the negative, were, Messrs. Allen, Clark of Windham County, Davis & Deming.

The petitions of William Hawley, Lucius Hill and William Jones, convicts in the State prison, were taken up, and severally *Ordered* to be dismissed. The petition of Samuel Jones, a convict in the State prison, was taken up, and the question "Shall the said Samuel Jones be discharged from the State prison?" was determined in the affirmative, Yeas 12, Nays 0, the Lieut. Governor, and every member of the Council excepting Mr. Pierpoint, who was absent, voting in the affirmative. The petitions of Joel B. King, Jesse Lucas, James Murphy, Arthur O'Leary, David O'Bryan, Hezekiah Shepherd and Thomas J. Severance, convicts in the state prison, were taken up, and severally *Ordered* to be dismissed. The petition of Neally Norris, a convict in the State prison, was taken up, and the question "Shall the said Neally Norris be discharged from the State prison?" was determined in the affirmative, Yeas 12, Nays 0, the Lieut. Governor, and every member of the Council excepting Mr. Pierpoint, who was absent, voting in the affirmative. The petition of Daniel Palmer, a state prison convict, was taken up, and the question, "Shall the said Daniel Palmer be discharged from the State prison?" was determined in the affirmative—Yeas 7, Nays 5. Those, who voted in the affirmative, were the Lieut. Governor, Messrs. Clark of Bennington County, Clark of Windham County, Hoyt, Langdon, Lyman and Thompson. Those, who voted in the negative, were Messrs. Allen, Davis, Deming, Harris and Worthington. Adjourned to 9 o'clock tomorrow morning.

THURSDAY Oct. 22, 1829. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. The House sent up, for concurrence in the reference, the following, to wit, "An act to repeal an act laying a tax on the lands in Kingston," with an order of reference thereon to the Land Tax Committee; "An act to preserve the fish in Calais in Washington County, and Woodbury in the

County of Caledonia," with an order of reference thereon to the committee on the petition of W^m. Weed and others; and "An act in addition to an act to incorporate the Vermont Mutual fire insurance company," with an order of reference thereon to the judiciary Committee, Whereupon, *Resolved* to concur in said several orders of reference. Also, "An act directing the Treasurer to pay Joshua Y. Vail and John M^c Duffie, the sum therein mentioned," with an order thereon, re-committing the same to the Committee of claims, with instructions to report the facts in the case to the House. Whereupon *Resolved* to concur in said order of re-commitment. Also, "An act to repeal part of an act therein mentioned," with an order of reference thereon to the Committee on Education, Whereupon, *Resolved* to concur in said order of reference.

The House sent up the following resolution, for concurrence in passing, to wit, "Resolved, the Governor and Council concurring herein, that both houses meet in the Representatives' room, on Friday morning next, at ten o'clock, to elect three commissioners agreeable to an act for the benefit of the deaf and dumb," which was read, Whereupon, *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary inform the House accordingly. Also, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that both Houses meet in the Representatives' room on Friday next, at ten o'clock in the forenoon, for the purpose of electing commissioners of common schools," which was read, Whereupon, *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary inform the House accordingly.

Mr. Deming was appointed from Council on the Committee of Education, in the place of Mr. Pierpoint, who was absent.

Messrs. Thompson and Lyman, to whom was committed the bill, entitled "an act amending an act entitled 'an act establishing a corporation by the name of the Sherburne Turnpike Company,' passed Nov. 6. 1826," reported the same with the following amendment, to wit, Strike out the word "five" in the eleventh line—Which amendment was adopted, Whereupon, *Resolved* to concur in passing said bill as amended, and Mr. Thompson was appointed to assign reasons to the General Assembly.

Rec^d from the House the following engrossed bills, for revision and concurrence or proposals of amendment, to wit, "An act for the relief of Ursula Phœbe Atkinson, and Joseph Wm. Atkinson," which was read, and amended by inserting after the word "bond," in the sixth line of the second section, the words "to the satisfaction of said court," and by striking out the words "the laws of this state and of the state or kingdom in which the said Joseph William shall, at the commencement of his majority, happen to reside," in the second section, and inserting, in lieu thereof, the word "law"—Whereupon, *Resolved* to concur in passing said bill, as amended, and Mr. Thompson was appointed to assign reasons to the General Assembly. Also, "An act directing the Treasurer to pay Cyrus Smith the sum therein mentioned," which was read, Whereupon, *Resolved*, to concur in passing said bill. Also, "An act granting a ferry to Joel Frost & William Buck," which was read, Whereupon, *Resolved* to concur in passing said bill. Also, "An act authorizing the medical society of Caledonia County to hold their meetings at such places as they think proper," which was read, Whereupon, *Resolved* to concur in passing said bill. Also, "An act incorporating certain persons therein mentioned by the name of the National Hydraulic Company," which was read, Whereupon, *Resolved* to concur in passing said bill. Also, "An act in addition to an act entitled 'an act for the relief of Luther Weld,' passed Oct. 22. 1828," and extending the time for the payment of the

sum therein mentioned"; which was read, Whereupon, *Resolved* to concur in passing said bill. Also, "An act altering the name of the Gneiss Bottom Manufacturing Company"; which was read, Whereupon, *Resolved* to concur in passing said bill. Also, "An act to incorporate the Burlington High School," which was read, Whereupon, *Resolved* to concur in passing said bill. Also, "An act granting to John Catlin, the exclusive right of keeping a ferry for the term therein mentioned," which was read, Whereupon, *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the passage of the eight last mentioned bills.

Received a communication from the Speaker of the House of Representatives, transmitting a resolution of that body, that the Governor and Council be requested to [give to] the Clerk of the House of Representatives the names of such persons as may be appointed on joint committees from the Council, during the remainder of the Session," which was read. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. Rec^d. from the House, for concurrence in the reference, the following, to wit, Remonstrance of Zacheus Senter and others, with an order of reference to the Land Tax Committee, Whereupon, *Resolved* to concur in said order of reference. Also, "An act laying a tax on the lands in Charleston," with an order of the House thereon recommitting the same to the Land Tax Committee, Whereupon, *Resolved* to concur in said order of re-commitment.

The petition of Thomas W. H. Bartlett, a convict in the State prison, was taken up, and the question, "Shall the said Thomas W. H. Bartlett be discharged from the State prison?" was determined in the affirmative. Yeas 11, Nays 0, the Lieut. Governor, and all the members of the Council, excepting Messrs. Pierpoint & Thompson, who were absent, voting in the affirmative. The petitions of the following state prison convicts, to wit, Jonathan E. Love, Stephen Stimson, alias Thomas White, Zelmon Shipley, Norman B. Pier, Leander W. Tarbell, John Taylor, Jephtha Woodward, Henry Williams, Daniel Witherell, Edward Welch, and Richard Weare, were severally taken up, and *Ordered* to be dismissed.

The petition of George Williams, a state prison convict, was taken up & *Ordered* to be dismissed.

The resolutions instructing our Senators and requesting our representatives in Congress to use their influence to procure such alterations of the Militia laws, as were therein named, & which were, on the 20th instant, laid on the table, were taken up, Whereupon, *Resolved* to concur in passing said resolutions, and *Ordered* that the Secretary inform the House accordingly.

The committee, appointed on the 21st instant, "to inquire into the power of the Legislature to pass laws, authorizing aliens to hold lands in this State," made report, "That, by the 39th section of the constitution of this State, it is provided, that every person of good character, who comes to settle in this State, having first taken the oath of allegiance to the same, may purchase, or by other means acquire, hold and transfer land & other real estate." Whatever necessity may exist in extraordinary cases to make provision for non-resident aliens to hold real estate in this State, your Committee are of opinion that the constitution fully provides for the cases contemplated by the bills on that subject, now on your table;—that any law, in favor of resident aliens, would be useless, if not exceeding the power of the Legislature. We, therefore, recommend that the Council do not concur in passing the

bills referred to. H. Olin, for committee." Which report was read, and *Ordered* to lie on the table.

Adjourned to 9 o'clock to-morrow morning.

FRIDAY Oct. 23, 1829. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. Rec^d from the House, the following resolution of that body of the 22^d. instant, for concurrence in passing, to wit, "Resolved, the Governor and Council concurring herein, that both Houses meet in joint committee, in the representatives' room, at ten o'clock, on Friday morning next, to elect a brigadier General in the first brigade & fourth division of the Militia of Vermont," which was read, Whereupon, *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary inform the House accordingly.

The House sent up, for concurrence in the reference, the following, to wit, "An act repealing an act therein mentioned," with an order of reference thereon, to the Land Tax Committee; "An act relating to the arch bridge across West river in Jamaica," with an order of reference thereon to the Committee on roads & canals; The petition of Thomas W. Laughlin, with an order of reference thereon to the committee appointed on the petition of Abraham Tourtelot; Whereupon, *Resolved* to concur in said several orders of reference.

The House sent up, for concurrence in passing, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the Committee of Ways & Means be instructed to inquire into the expediency of passing a law authorizing the several towns in this state to make such laws & regulations, as shall be deemed necessary and expedient to prevent the catching, killing or destroying of fish in the waters of their respective towns; and report by bill or otherwise." Which was read, Whereupon, *Resolved* to concur in passing said resolution. Rec^d also, the following, to wit, Resolved, the Governor and Council concurring herein, that the judiciary Committee be discharged from a farther consideration of the petition of Alexander Fleming and others, now before the judiciary Committee, and that the same be referred to the Committee on roads & canals," Which was read, Whereupon, *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary inform the House accordingly. Rec^d also, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the judiciary committee be instructed to inquire into the constitutionality and expediency of providing by law against the overruling any statute law of this state, as being unconstitutional, except four of the judges of the Supreme Court, and three in the County Court, shall concur, & report by bill or otherwise"; Which was read, Whereupon, *Resolved* to concur in passing said resolution.

The Governor and Council attended in the Representatives' room, for the purpose of electing County officers, a board of commissioners of common schools, commissioners under the act for the benefit of the deaf and dumb, and a brigadier general of the first brigade & fourth division of the militia of Vermont;—after which they returned to their chamber. Adjourned to 2 o'clock P. M.¹

¹ The following elections were made: Chauncey Langdon, John Smith of St. Albans, and Wyllys Lyman, Commissioners of Deaf and Dumb; William Hall, William Page, Jacob Collamer, Benjamin F. Bailey, and Ephraim Paddock, School Commissioners; and Joshua P. Burnham, Brig. General.

2 o'clock P. M.—The Governor and Council met agreeably to adjournment. The House sent up for revision and concurrence or proposals of amendment, the following engrossed bill, to wit, "An act relating to the bridge across White river in Bethel," which was read, Whereupon, Mr. Thompson moved to *non* concur in passing said bill, and said motion being put, it was determined in the negative, and said bill was then *Ordered* to be committed to the Lieut. Governor and Mr. Langdon, with instructions to report such amendments as would render the provisions thereof general.

The House sent up an engrossed bill, entitled "An act in addition to an act entitled 'an act ascertaining the principles on which the list of this State shall be made, and directing listers in their office and duty,' passed Nov. 17. 1825," Which was read. Whereupon, Mr. Langdon moved to concur in passing said bill, and said motion being put, it was determined in the negative. It was then, on motion of Mr. Thompson, *Resolved not* to concur in passing said bill, and Lieut. Governor Olin was appointed to prepare reasons in writing.

The report of the committee appointed "to inquire into the power of the Legislature to pass acts authorizing aliens to hold lands," which was yesterday laid on the table, was taken up and accepted.

Recd^d for revision & concurrence or proposals of amendment, an engrossed bill, entitled "An act authorizing Hugh Tom to hold and convey real estate," which was read, Whereupon, *Resolved not* to concur in passing said bill, and Mr. Deming was appointed to prepare reasons in writing. Recd^d also, an engrossed bill, entitled "An act authorizing William Cubley to hold and convey real estate," which was read, Whereupon, *Resolved not* to concur in passing said bill, and Mr. Deming was appointed to prepare reasons in writing. Adjourned to 9 o'clock tomorrow morning.

SATURDAY Oct. 24, 1829. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. Mr. Lyman moved to re-consider the vote of yesterday, *non*-concurring in the passage of the bill entitled "An act in addition to an act, entitled 'an act ascertaining the principles on which the list of this state shall be made & directing listers in their office and duty,' passed Nov. 17, 1825," Which motion being put, it was determined in the affirmative, and it was *Ordered* that said bill be committed to Messrs. Deming and Hoyt to consider and report thereon.

Mr. Deming, who was appointed to prepare reasons in writing for *non*-concurring in the passage of the engrossed bills, entitled "An act authorizing Hugh Tom to hold and convey real estate," and "An act authorizing William Cubley to hold and convey real estate," reported the following to wit, "The foregoing bills purport to convey the right of holding real estate to certain persons residing within this state, who are aliens not naturalized. By the 39th section of the Constitution of this state it is provided that every person of good character, who comes to settle in this State, having first taken an oath or affirmation of allegiance to the same, may purchase, or by other just means, acquire, hold and transfer land or other real estate. The Governor and Council are of opinion that the foregoing provision in the Constitution fully provides for the case contemplated in said bills, and that they are wholly useless, and, therefore, inexpedient. Besides, it may be doubted whether the said bills are not repugnant to the Constitution, inasmuch as they dispense with the oath of fealty, which the Constitution has made an essential pre-requi-

site in such cases," which were adopted; Whereupon, it was *Ordered* that the Secretary return said bills to the House with the reasons aforesaid.

The House sent up, for concurrence in the reference, the following, to wit, The petition of the President, Directors and Company of the Vermont Salt Manufacturing Company, with an order of reference thereon to a committee of two members of the House, to join from Council. Whereupon, *Resolved* to concur in said order of reference, and Mr. Lyman was appointed from Council; *Also*, "An act to incorporate certain persons therein named by the name of the Champlain Dock Company," with an order of reference thereon to the committee on roads and canals. "An act to incorporate the Burlington Fire Company," with an order of reference thereon to the Committee of Manufactures; and "An act providing for publishing the reports of the Supreme Court," with an order of reference thereon to the judiciary committee; Whereupon, *Resolved* to concur in said several orders of reference. *Recd.* also, "An act for the relief of poor debtors," with an order of the House thereon that the same be re-committed to the judiciary Committee, Whereupon, *Resolved* to concur in said order of re-commitment.

The House sent up, for concurrence in passing, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the Committee on Education be instructed to inquire into the expediency of so altering or amending the providing clause of the eleventh section of an act, entitled 'an act for the support of common schools,' passed Nov. [9] 1827, as that district schools shall be supported on the scholar, and make report by bill or otherwise," which was read, Whereupon, *Resolved* to concur in passing said resolution. *Recd.* also, the following resolutions, to wit, "Resolved, the Governor and Council concurring herein, that the senators of this state, in the congress of the United States, be instructed, and the representatives requested to use their influence to cause an act to be passed, by Congress, for constructing fortifications on the north point of Vineyard [Isle La Motte,] and on the great shoals between said point and point Au Fer, in the state of New York, and for making the necessary appropriations." "Resolved, that the Secretary of State be directed to transmit a copy of the foregoing resolution to each of the Senators and representatives from this State in the Congress of the United States," Which were read, and *Ordered* to lie on the table.

The House sent up, for revision and concurrence or proposals of amendment, the following engrossed bill, to wit, "An act establishing an Academy at Manchester, in the County of Bennington," which was read and *Ordered* to be committed to Mr. Clark of Bennington County to consider and report thereon.

The petition of Ralph Potter, a convict in the State prison, was taken up, and the question "Shall the said Ralph Potter be discharged from the State prison?" was determined in the affirmative, Yeas 6, Nays 2. Those, who voted in the affirmative, were, the Lieut. Governor, Messrs. Clark of Bennington County, Davis, Deming, Hoyt & Worthington. Those, who voted in the negative, were, Messrs. Allen & Lyman.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. Mr. Deming was appointed from Council, on the Joint Committee on the petition of Elijah Clark & others, in the place of Mr. Pierpoint, who was absent.

Mr. Langdon, on motion, had leave of absence for the remainder of this day.

The petition of Jeremiah Bradley, a convict in the State prison, was called up, and *Ordered* to be dismissed.

The Lieut. Governor, to whom & Mr. Langdon, was committed the engrossed bill, entitled "an act relating to the bridge across White river in Bethel," reported the same with the following proposals of amendment, to wit, "Strike out all the title after the word 'to' and insert, in lieu thereof, the following, 'bridges in the several towns in this state.' Strike out all of the first section after the word 'that' in the second line, and insert, in lieu thereof, the following, to wit, 'the selectmen of any town in this state, where there is any public bridge, with string pieces, thirty feet in length between the supports, on which they lie, or any bridge supported by one or more arches, may, from time to time, whenever they shall think proper, set up, at each end of the bridge, a plain and legible direction, forbidding all persons driving any horse or other beast on such bridge faster than a walk, or to drive more than one loaded team on any one tier of string pieces, or on any one arch, at the same time, or to drive more than twenty head of cattle, horses or mules on any one tier of string pieces or any one arch, at the same time; And any person, who shall violate such direction, while the same shall be posted up, as aforesaid, shall forfeit to the town or either of the towns, in which such bridge is situated, for every such offence, the sum of one dollar, and, also all damages that may have been done to such bridge by the violation of such direction, with full costs, to be recovered by an action on the case,' Which amendments were adopted, and Lieut. Gov. Olin was appointed to prepare reasons, who forthwith reported the following, to wit, "The Governor and Council assign the following reason for the amendment proposed to the bill, viz. They believe it more proper to embrace the subject in a general law than to legislate for each particular case"—Which reasons were adopted, Whereupon, *Resolved* to concur in passing said bill as amended, and *Ordered* that the Secretary notify the House accordingly, and return the reasons aforesaid.

The petition of Joseph A. Carpenter, a convict in the state prison, was taken up, and the question, "Shall the said Joseph A. Carpenter be discharged from the State prison?" was determined in the affirmative, Yeas 7, Nays 2. Those, who voted in the affirmative, were, the Lieut. Governor, Messrs. Clark of Bennington County, Clark of Windham County, Davis, Deming, Hoyt and Worthington. Those, who voted in the negative, were Messrs. Allen & Lyman. The petition of Eli Peck, a state prison convict, was taken up, and the question, "Shall the said Eli Peck be discharged from the state prison?" was determined in the affirmative. Yeas 8, Nays 1. Those, who voted in the affirmative, were, the Lieut. Governor, Messrs. Clark of Bennington County, Clark of Windham County, Davis, Deming, Hoyt, Lyman and Worthington. The member voting in the negative was Mr. Allen. The petitions of Abner M. Sherman and Cornelius Smith, convicts in the State prison, were taken up, and severally *Ordered* to be dismissed. Adjourned to 9 o'clock Monday morning.

MONDAY Oct. 26, 1829. 9 O'clock A. M.

The Governor and Council met agreeably to adjournment. Received a communication from the Speaker of the House of Representatives, informing that the House had concurred in the amendments proposed by the Governor and Council to the following engrossed bills, to wit, "An act amending an act entitled 'an act establishing a corporation by the name of the Sherburne Turnpike Company,' passed Nov. 6. 1826," and "an act for

the relief of Ursula Phœbe Atkinson and Joseph William Atkinson," which was read. Rec^d from the House of Representatives, for concurrence in the reference, the following, to wit, The petition of John Holbrook and others, with an order of reference thereon to the Committee on roads and canals; "An act in addition to an act entitled 'an act defining the powers of justices of the peace within this state,'" with an order of reference thereon to the judiciary Committee; "An act repealing certain laws of this state, which make a discrimination between free-holders and non-freeholders, as eligible to office," with an order of reference thereon to the judiciary Committee; "An act repealing a part of an act therein mentioned," and "An act in addition to an act entitled 'an act relating to jails and jailers and for the relief of persons imprisoned therein,'" with an order of reference on each of the two last mentioned to the General Committee; Whereupon, *Resolved* to concur in said several orders of reference.

The House sent up, for concurrence in passing, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the judiciary committee be instructed to inquire into the expediency of so altering or amending the probate laws of this state, as that the several probate Courts of this state shall have the power to change the guardians of minor heirs, at the request of said guardians, and report by bill or otherwise," which was read, Whereupon, *Resolved* to concur in passing said resolution.

The House sent up for revision and concurrence or proposals of amendment the following engrossed bill, to wit, "An act to incorporate the Green river manufacturing Company." Mr. Langdon moved that the Governor and Council do *not* concur in passing said bill, and the question being taken on said motion it was determined in the negative. Whereupon, *Resolved* to concur in passing said bill, and *Ordered* that the Secretary inform the House accordingly.

Rec^d Also, the following engrossed bill, to wit, "An act directing the Treasurer to pay William Forbes the sum therein mentioned"; which was read. Whereupon, *Resolved* to concur in passing said bill, and *Ordered* that the Secretary notify the House accordingly. Rec^d also, the following engrossed bill, to wit, "An act to revive an act, entitled 'an act laying a tax on the lands in Kingston,' passed Oct. 24. 1828" which was read, Whereupon, *Resolved* to concur in passing said bill and *Ordered* that the Secretary notify the House accordingly. Rec^d also, the following engrossed bill, to wit, "An act to repeal an act entitled 'an act to preserve fish in Woodford pond,'" which was read, Whereupon *Resolved* to concur in passing said bill, and *Ordered* that the Secretary notify the House accordingly.

Rec^d also, the following engrossed bill, to wit, "An act annexing the town of Warren in the County of Addison, to the County of Washington, and for other purposes," which was read & *Ordered* to be committed to Messrs. Langdon & Lyman to consider and report thereon. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. The House sent up for revision and concurrence or proposals of amendment, the following engrossed bills, to wit, "An act in addition to an act, entitled 'an act regulating marriage and divorce,' passed Feb. 28. 1797," which was read, Whereupon, *Resolved* to concur in passing. Also, an engrossed bill, entitled "An act incorporating a fire company in the village of St. Albans," which was read. Whereupon, *Resolved* to concur in passing said bill. Also, an engrossed bill, entitled "An act incorporating the Rutland fire society," which was

read. Whereupon, *Resolved* to concur in passing said bill. Also, an engrossed bill, entitled "An act repealing an act entitled 'An act to preserve the fish in the streams running in and through the town of Bennington, in the County of Bennington,'" which was read, Whereupon, *Resolved* to concur in passing said bill. Also, an engrossed bill, entitled "An act to repeal an act therein mentioned," which was read. Whereupon *Resolved* to concur in passing said bill. Also, an engrossed bill, entitled "An act providing a compensation to the superintendant of the state prison, for the current year," which was read, whereupon, *Resolved* to concur in passing said bill. Also, an engrossed bill, entitled "An act annexing the towns of Pawlet, Danby and Mount Tabor, in the County of Rutland, to the second Congressional district, and to repeal a part of an act therein mentioned," which was read, Whereupon, *Resolved* to concur in passing said bill. Also, an engrossed bill, entitled "An act, directing the Treasurer to pay Joel Houghton the sum therein mentioned," which was read, Whereupon, *Resolved* to concur in passing said bill. *Ordered*, that the Secretary inform the House of the passage of the eight bills last mentioned.

Rec^d also, the following engrossed bill, to wit, "An act in addition to 'an act establishing permanent salaries for certain officers and for regulating certain fees and taxable costs,'" which was read, and amended by striking out the words "thirty-four" in the fourth line of the first section, and inserting, in lieu thereof, the words "twenty-five," Whereupon, *Resolved* to concur in passing said bill as amended, and Mr. Lyman was appointed to prepare and report reasons for said amendment.

Mr. Clark of Bennington County, to whom was committed the engrossed bill, entitled "An act establishing an academy at Manchester in the County of Bennington," reported the same with the following proposals of amendment, to wit, Insert after the word "institution," in the second line of the sixth section, the words "and the land on which said buildings shall be erected, not exceeding two acres, with a," and after the word "institution," in the third line of the sixth section, the words, "and such sum or sums of money, as are, or hereafter may be, sequestered to and for the use of said institution, and shall produce an annual rent, or interest, of six hundred dollars," Which amendments were adopted, Whereupon, *Resolved* to concur in passing said bill as amended, and Mr. Clark of Bennington County was appointed to prepare and report reasons.

Mr. Lyman, who was appointed to prepare and report reasons for the amendment proposed to the engrossed bill, entitled "An act, in addition to 'an act establishing permanent salaries for certain officers, and for regulating certain fees and taxable costs,'" reported the following, to wit, "That, in the opinion of the Governor and Council, the sum of one dollar and twenty-five cents per week, is an adequate compensation in the case mentioned in said bill," Which was adopted, and *Ordered*, that the Secretary return said bill to the House with the amendments thereto, and the reasons aforesaid.

The engrossed bill entitled "an act in addition to an act entitled 'an act ascertaining the principles on which the list of this state shall be made, and directing listers in their office and duty,' passed Nov. 17. 1825," which was, on Saturday last, committed to Messrs. Deming and Hoyt, was taken up and amended by striking out all after the enacting clause, and the said bill was, then, *Ordered* to be committed to Messrs. Deming, Hoyt and Clark of Bennington County, to consider and report thereon.

The joint resolution which was, on the 24th instant, laid on the table, instructing our Senators and requesting our Representatives in Congress,

relative to certain fortifications proposed to be erected in Lake Champlain, was taken up, and *Ordered* to be committed to Messrs. Davis and Clark of Windham County, to consider and report thereon. Adjourned to 9 o'clock to-morrow morning.

TUESDAY Oct. 27, 1829. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. Benjamin Swan, Treasurer of the State of Vermont, appeared in the Council Chamber and presented his official bond, with sureties, conditioned for the faithful discharge of the duties of his said office for the year ensuing; which was approved by the Governor and Council, and he was duly sworn, as Treasurer, as aforesaid, by His Excellency the Governor.

The House sent up, for concurrence in the reference, the following, to wit, The petition of Sylvanus Ripley, and The petition of Nathan White, with an order of reference on each to the Committee of claims; "An act granting to Asahel Barns the exclusive right of a ferry," with an order of reference thereon to the Committee on roads and canals; "An act in addition to 'an act, incorporating certain persons therein named by the name of the Woodstock Fire Society,'" with an order of reference thereon to the Committee of manufactures, and The petition of David Harrington, with an order of reference thereon to the Committee of Insolvency; Whereupon, *Resolved* to concur in said several orders of reference.

Rec^d from the House of Representatives, for concurrence in passing, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that both Houses meet in the Representatives' room, on Wednesday morning next, to elect three directors of the Vermont State Bank, and a committee to inspect the several banks in this State and make report at the next session of the Legislature," which was read. Whereupon, *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary notify the House accordingly. Received, also, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the judiciary Committee be directed to inquire into and report to this House the cause of the delay in the administration of justice in our County and Supreme Courts, and also the amount of perquisites taken annually by the Supreme Court, and also how much of their time, if any, they are required by the duties of their office to devote to trying and determining causes, and, also, whether they are entitled to their salaries, in part or in whole, when said judges neglect to perform their duties," which was read. Whereupon, *Resolved* to concur in passing said resolution. Received, also, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the Committee on roads and canals be instructed to inquire into the expediency of providing by law, that notice of petitions for locks, canals, and railroads shall be given in the public newspapers of this state, previous to the session of the Legislature to which such petition is preferred," Which was read. Whereupon, *Resolved* to concur in passing said resolution. Received, also, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the judiciary Committee be directed to inquire into the expediency of providing by law for the better security and discharge of bail, in all actions cognizable before justices of the peace, within the several counties in this State, as is provided by law in the several County and Supreme Courts of the same, and report by bill or otherwise," which was read. Whereupon, *Resolved* to concur in passing said resolution. Received, also, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that

both Houses meet in the Representatives' room, on Friday morning, this week, at 7 o'clock, for the purpose of adjourning the Legislature without day"; Which was read, and *Ordered* to lie on the table.

The House sent up for revision &c. the following engrossed bill, to wit, "An act relating to the collection of State taxes," which was read & *Ordered* to be committed to Mr. Clark of Bennington County to consider & report thereon. Also an engrossed bill of the following title, to wit, "An act in addition to an act entitled 'an act constituting the Supreme Court of judicature and County Courts, defining their powers and regulating judicial proceedings,'" Which was read, and *Ordered* to be committed to Messrs. Thompson and Davis to consider and report thereon.

Received, Also, an engrossed bill of the following title, to wit, "An act laying a tax on the lands in Goshen Gore in the County of Caledonia," Which was read, Whereupon *Resolved*, to concur in passing said bill. Rec^d also, an engrossed bill, entitled "An act granting the town of Shrewsbury a further time to build a road in said town," which was read, Whereupon, *Resolved* to concur in passing said bill. Rec^d also, for revision &c. an engrossed bill of the following title, to wit, "An act in alteration and amendment of an act, passed Oct. 30. 1828, directing the times, in which a road through Ryegate, in the County of Caledonia, shall be made, and repealing an act therein mentioned," which was read, Whereupon, *Resolved* to concur in passing said bill. Rec^d also, an engrossed bill, for revision &c. entitled "An act in addition to 'an act providing for the building of a State prison,'" which was read, Whereupon, *Resolved* to concur in passing said bill. Rec^d also, for revision &c. an engrossed bill, entitled "An act directing the Treasurer to pay the sum therein mentioned," which was read, Whereupon, *Resolved* to concur in passing said bill. Rec^d also, for revision &c. an engrossed bill, entitled "An act directing the Treasurer to pay Joshua Y. Vail and John McDuffie, the sum therein mentioned," which was read, Whereupon, *Resolved* to concur in passing said bill. Rec^d also, for revision &c. an engrossed bill, entitled "An act extending the time for making a road in the towns of Eden, Kellyvale, Westfield and Troy," Which was read. Whereupon, *Resolved* to concur in passing said bill. Rec^d also, for revision &c. an engrossed bill, entitled "An act in addition to an act entitled 'an act defining the powers of justices of the peace within this state,' passed Mar. 4. 1797," which was read, Whereupon, *Resolved* to concur in passing said bill. Rec^d also, for revision &c. an engrossed bill, entitled "An act in addition to an act entitled 'an act appointing Notaries public, and declaring their office and duty,'" which was read, Whereupon, *Resolved* to concur in passing said bill. *Ordered* that the Secretary notify the House of the passage of the nine bills last mentioned.

Rec^d from the House, for concurrence, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that Jedediah H. Harris of Strafford and William Steele of Sharon be and hereby are appointed a committee to attend at the Vermont state prison, in the month of September next, to make an appraisal and inventory of all the property belonging to said prison, and, also, to settle with the Superintendent and investigate all the accounts of said prison, and report to the next session of the Legislature." Which was read, Whereupon, *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary notify the House accordingly.

On motion of Mr. Langdon, the vote of this morning, concurring in the resolution of the House, directing the Judiciary Committee to inquire relative to the duties & salaries of the Supreme Court &c. was reconsidered, and said resolution was *Ordered* to lie on the table.

Mr. Lyman, to whom and Mr. Langdon was committed the engrossed bill entitled "an act annexing the town of Warren, in the County of Addison, to the County of Washington and for other purposes," reported the same with the following proposals of amendment, to wit, add to the bill the following section, to wit, "Sec. 3. It is hereby further enacted that the members of the Legislature from the County of Washington, and the member from the town of Warren aforesaid, are hereby authorized and empowered to meet in County Convention and nominate one or more suitable men resident in said Warren to serve as justices of the peace in and for the County of Washington from and after the first day of Dec. next, in the same manner as if said Warren had been a part of the County of Washington before the passing of this act," and the question being taken on adopting said amendment, it was determined in the negative, and said bill was *Ordered* to be recommitted to the same committee.

Mr. Clark of Bennington County, who was appointed to prepare reasons for the amendments proposed to the bill, entitled "An act establishing an academy at Manchester, in the County of Bennington," reported the following, to wit, "It has never been the usage of this state, and it is believed it will never be good policy, to raise a revenue from our Literary institutions. As all the public schools of the state are aided, more or less, by the donations of the charitable and benevolent, to tax such donations, is taxing that, which is of itself a tax. This class of institutions, next to the primary schools, deserves the patronage of the government, as, by their aid, the youth of the state are enabled to procure a solid business education, and to arrive to such a degree of mental cultivation, as is necessary for good and useful citizens; having within their reach such facilities for improvement, as will enable them to be qualified for the part which they may be called to act in life. It has been the policy of this State to patronize such institutions, in the way proposed, and to a much greater extent than is contemplated by these amendments, and it is believed that the public is amply paid for this patronage, in the vast benefits which are derived from the general dissemination of knowledge in the community." Which was adopted, Whereupon, *Ordered* that the Secretary inform the House of the passage of said bill, as amended, and return the same with the reasons aforesaid.

Received from the House, for concurrence in the reference, the following, to wit, "An act relating to roads and bridges," with an order of reference thereon to the Committee on roads and canals, Whereupon, *Resolved* to concur in said order of reference. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. Mr. Deming moved to reconsider the vote of yesterday amending the bill entitled "An act in adⁿ to an act entitled 'an act ascertaining the principles on which the list of this State shall be made, and directing listers in their office and duty,' passed Nov. 17. 1825," and the question being taken upon said motion, it was determined in the affirmative, and said bill was then amended as follows, to wit, Strike out the words "attorneys, physicians, surgeons, merchants, traders, mechanicks or manufacturers," in the 5th and 6th lines, and insert, in lieu thereof, the following, to wit, "any attorney, physician, surgeon, merchant, trader, mechanick or manufacturer, who shall not have been assessed the preceding year, or who shall be assessed in a greater sum than the assessment of such person the preceding year," and add the following, to wit,

"Sec. 2. It is hereby further enacted, that the listers in the several towns in this state may, at any time within thirty days from the twen-

tieth day of June, in each year, make any deductions from the several assessments by them made, and of which a list shall have been lodged with the town clerk, agreeably to the provisions of the twelfth section of the act, to which this is in addition, in case it shall be made to appear, to their satisfaction, that such deduction ought to be made.

"Sec. 3. It is hereby further enacted, that the time, mentioned in the thirteenth section of the act aforesaid, on or before which the disclosure in writing, in said section mentioned, is to be lodged with the town Clerk, shall hereafter be the twentieth day of August of each year, instead of the first day of August, and the form of the oath prescribed by the said section shall hereafter be as follows, to wit, 'You A. B. do solemnly swear, (or affirm, as the case may be,) that you will make a true and faithful disclosure of all moneys on hand, debts due or bank and insurance stock, or obligations payable either in money or any other property, of which you were possessed on the first day of April last, whether such obligations were then due, or were payable at an after day, over and above what was then due and owing from you, according to your best judgment and knowledge. So Help you God.'"

Whereupon, *Resolved* to concur in passing said bill, as amended, and Mr. Deming was appointed to assign reasons to the House.

Mr. Lyman, from the committee, to whom was committed the engrossed bill, entitled "an act annexing the town of Warren, in the County of Addison, to the County of Washington, and for other purposes," reported the same, with the following amendment, to wit, "add to the second section the words 'and to the fifth congressional district,'" which was adopted. Whereupon, *Resolved* to concur in passing said bill, as amended, and Mr. Lyman was appointed to prepare reasons, who reported the following, to wit, "As doubt exists in the minds of some whether the town of Warren would remain annexed to the second Congressional district, or become, by the operation of the act, a part of the fifth Congressional district, the Governor and Council consider the amendment necessary to obviate such doubt." Which were adopted, and it was *Ordered* that the Secretary inform the House of the passage of said bill, as amended, and return the same with the reasons aforesaid.

The petitions of Milo Pomeroy, Stewart Rutledge and Jonas Depu-trine, convicts in the State prison, were taken up and, severally, *Ordered* to be dismissed.

Mr. Thompson introduced the following resolution, to wit, "Resolved, the General Assembly concurring herein, that His Excellency, the Governor, be, and he hereby is, requested to forward to each of the Governors of the several states, for the use of their respective Legislatures, a copy of the map of this state, now in the possession of Hon. Richard Skinner, and that His Excellency be authorized to draw upon the Treasurer for the necessary expense incurred in carrying this resolution into effect," which was read and passed. Adjourned to 9 o'clock to-morrow morning.

WEDNESDAY Oct. 28, 1829. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. Rec^d. from the House, for concurrence in passing, the following resolution, to wit. "In General Assembly Oct. 27, 1829. "Resolved, the Governor and Council concurring herein, that both Houses meet in the Representatives' room, on Wednesday next, at 10 o'clock in the forenoon, for the purpose of electing a brigadier General in the third brigade and first division of the militia of this State," which was read, Whereupon,

Resolved to concur in passing said resolution, and *Ordered* that the Secretary notify the House accordingly. Rec^d. also, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the General Committee be instructed to inquire into the expediency of providing some means for the liberation of the body of poor and insolvent persons, after a certain term of imprisonment, in all future actions and commitments for trespasses and torts, where, by the existing laws, no provision is made, and to report by bill, or otherwise," which was read, Whereupon, *Resolved* to concur in passing said resolution. Rec^d. also, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the Committee on roads and canals be instructed to inquire into the expediency of providing by law that all committees for laying out, altering or discontinuing highways, by whatever Court or authority they may be appointed, shall be sworn to the faithful discharge of their duties," which was read, Whereupon, *Resolved* to concur in passing said resolution. Rec^d. also, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the judiciary committee be instructed to inquire into the expediency of so altering the law in relation to Freeman's meetings, as to make it the duty of the Constable or presiding officer of such meetings, to certify in the credentials by him given to members, when such members are holding offices of trust or profit under the authority of Congress, and report by bill or otherwise," which was read, Whereupon, *Resolved* to concur in passing said resolution.

Rec^d. for concurrence in the reference, the following, to wit, "An act in addition to an act entitled 'an act constituting the Supreme Court of Judicature and County Courts, defining their powers & regulating judicial proceedings,'" with an order of reference thereon to the judiciary Committee; "An act in addition to an act entitled 'an act directing the mode of the election of Governor, Lieutenant Governor, Treasurer of the State, Councilors and representatives,'" and "An act in addition to an act, entitled 'an act for regulating & governing the militia of this state,'" with an order of reference, also, on each, to the judiciary Committee, Whereupon, *Resolved* to concur in said several orders of reference. Rec^d. also, for concurrence in the reference, the following, to wit, "Account of Austin Birchard against the State," with an order thereon that the same be re-committed to the Committee of claims, Whereupon, *Resolved* to concur in said order of re-commitment. Rec^d. also, "An act relating to the settlement of the accounts of the several County Treasurers in this State, with an order of reference thereon to the General Committee; "An act in explanation of the fifth section of an act, entitled 'an act, supplementary to the several acts, defining the powers of justices of the peace within this State,'" with an order of reference thereon to the judiciary Committee; "The petition of Fairhaven Turnpike Company," with an order of reference thereon to the Committee on roads and canals; "An act in addition to an act entitled 'an act to promote the breed of sheep and preserve the different breeds distinct, and to repeal the first section of an act therein mentioned,'" with an order of reference thereon to the Committee on Agriculture; and "An act directing the Treasurer to pay Samuel Page the sum therein mentioned," with an order of reference thereon to the Committee of claims, Whereupon, *Resolved* to concur in said several orders of reference.

Rec^d. for revision & an engrossed bill, entitled "An act in addition to an act entitled 'an act constituting the Supreme Court of Judicature and County Courts, defining their powers and regulating judicial proceedings,'" which was read, Whereupon, *Resolved not* to concur in passing

said bill, and Mr. Thompson was appointed to prepare and report reasons in writing.

The Governor and Council attended in the Representatives' room for the further appointment of County officers, and for the election of a brigadier General of the third brigade in the first division of the militia of this State; after which they returned to their chamber.¹

The Governor and Council appointed Sylvester Edson, a joint commissioner with John H. Cotton, agreeably to the provision of the act passed at this session, entitled "an act in addition to an act entitled an act providing for the building of a state prison."

Rec^d. for revision &c. an engrossed bill, entitled "An act in alteration of the several acts regulating and governing the militia of this State," which was read, Whereupon, *Resolved* to concur in passing said bill, and *Ordered*, that the Secretary notify the House of said concurrence.

Rec^d. Also, for revision &c. an engrossed bill, entitled "An act in addition to an act entitled 'an act directing the mode of obtaining licences, and regulating inns and houses of public entertainment,' passed Nov. 2. 1798," which was read, and *Ordered* to be committed to Messrs. Deming and Thompson to consider and report thereon.

Rec^d. for revision &c. an engrossed bill of the following title, to wit, "An act directing the Treasurer to pay James Davis the sum therein mentioned," which was read, Whereupon, *Resolved* to concur in passing said bill. Also "an act directing the Treasurer to pay Joseph Howes the sum therein mentioned"—Read & *Resolved* to concur in passing said bill. Also, an engrossed bill, entitled "An act directing the Treasurer to pay Stephen Haight the sum therein mentioned," Which was read, Whereupon, *Resolved* to concur in passing said bill. Also, an engrossed bill entitled "An act in addition to an act, directing the mode of taking forfeitures of grants and charters," which was read, Whereupon, *Resolved* to concur in passing said bill. Also, an engrossed bill, entitled "An act laying a tax on the lands in Charleston," Which was read, Whereupon, *Resolved* to concur in passing said bill. Also, an engrossed bill, entitled "An act laying a tax on the lands in Avery's Gore in Franklin County," which was read, Whereupon, *Resolved* to concur in passing said bill. Also, an engrossed bill, entitled "An act laying a tax on the lands in Nēwbury," which was read, Whereupon, *Resolved* to concur in passing said bill. Also, an engrossed bill, entitled "An act laying a tax on the lands in Jay," which was read, Whereupon, *Resolved* to concur in passing said bill. Also, an engrossed bill, entitled "An act to preserve fish in certain Waters in Ludlow & Plymouth," which was read, Whereupon, *Resolved* to concur in passing said bill, and *Ordered* that the Secretary notify the House of the passage of the nine bills last mentioned.

The resolution relative to the salaries and duties of the judges of the Supreme Court &c. which was on the 27th instant laid on the table, was taken up, and *Ordered* to be committed to Messrs. Davis and Hoyt, to consider and report thereon.

Mr. Davis, from the committee to whom was committed the resolution in relation to the construction of fortifications on the north point of Vineyard &c. reported the same without amendment;—Whereupon, *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary notify the House of said concurrence. The resolution for the meeting of both Houses for the purpose of adjourning the Legislature without day, which was on the 27th instant laid on the table, was taken up, Whereupon, *Resolved* to concur in passing said resolution, and *Or-*

¹ Stillman Emerson was elected Brig. General.

dered that the Secretary notify the House of said concurrence. *Adjourned* to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. Mr. Thompson, who was appointed to prepare and report reasons for the *non* concurrence in passing the engrossed bill entitled, "An act in addition to an act entitled 'an act constituting the Supreme Court of Judicature and County Courts, defining their powers and regulating judicial proceedings,'" reported the following, to wit, "As regards notices to be given to parties in actions of account, and on book accounts, of trials before auditors, ample provision has already been made by an act on that subject, which is now in force. With respect to notices to be given by referees, it is thought that no serious inconvenience has or can occur. The referring of a suit is always the voluntary act of the parties, and as rules of reference usually expire, by the rules of court, at an early day of the term, such parties are not likely to throw any obstacles in the way of notice. Other notices which may be contemplated by the bill, it is believed, come within the incidental powers of the Courts," Which reasons were adopted, Whereupon, *Ordered* that the Secretary return said bill to the House with the reasons aforesaid.

A message was received from the House of Representatives, by Mr. Smilie, one of its members, informing that the House had concurred in the first amendment proposed by the Governor and Council to the bill entitled "An act to establish an academy at Manchester in the County of Bennington," and had resolved *not* to concur in the second proposed amendment, and after assigning reasons Mr. Smilie withdrew; Whereupon, *Resolved* to rescind from said second proposed amendment, and *Ordered* that the Secretary notify the House accordingly.

Received from the House, for concurrence in the reference, the following, to wit, The petition of Jacob Kent, with an order of the House thereon that the same be re-committed to the Committee of claims, Whereupon, *Resolved* to concur in said order of re-commitment.

Recd for concurrence in passing, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the judiciary Committee be instructed to inquire into the expediency of providing by law, for perambulating or establishing town lines in this State," Which was read, Whereupon, *Resolved* to concur in passing said resolution.

Mr. Clark of Bennington County, to whom was committed the engrossed bill, entitled "an act relating to the collection of State taxes," reported the same with the following proposal of amendment, to wit, "Add to the bill the following, to wit. 'Sec. 2. It is hereby further enacted—That it shall be the duty of the engrossing Clerk, on or before the twentieth day of October, annually, to make and deliver to the Treasurer, a catalogue of the organized towns, that are not represented in the General Assembly,'" Which amendment was adopted. Whereupon, *Resolved* to concur in passing said bill as amended, & Mr. Clark of Bennington County was appointed to prepare and report reasons.

Mr. Davis, from the committee, to whom was committed the resolution relative to the salaries and duties of the judges of the Supreme Court &c. reported the same without amendment. Whereupon, *Resolved* to concur in passing said resolution.

Mr. Thompson moved to re-consider the vote of this day concurring in the passage of the resolution for the meeting of both Houses for the purpose of adjourning the Legislature without day. And the question being taken upon said motion, it was determined in the negative.

The Governor and Council appointed Joseph Howes Surveyor of public buildings and Azel Spaulding Librarian, for the year ensuing. Adjourned to 9 o'clock to-morrow morning.

THURSDAY Oct. 29, 1829. 9 O'clock A. M.

The Governor and Council met agreeably to adjournment. Rec^d from the House, for revision &c. the following engrossed bill, to wit, "An act altering the names of certain persons therein mentioned," which was read. Whereupon, *Resolved* to concur in passing said bill, and *Ordered* that the Secretary inform the House of such concurrence. Rec^d also, an engrossed bill entitled "An act annexing part of the town of Chittenden to the town of Sherburne," which was read, and amended by adding the following proviso, to wit, "Provided, that this act shall not be in force, until the towns of Chittenden and Sherburne shall each, by vote in town meeting, have given their assent to the same." Whereupon, *Resolved* to concur in passing said bill, as amended, and Mr. Pierpoint was appointed to prepare and report reasons for said amendment, who forthwith reported the following, to wit, "That it is inexpedient to alter town lines, without the consent of the towns interested," which were adopted. Whereupon, *Ordered* [that] the Secretary inform the House of the passage of said bill, as amended, and return said bill to the House with the reasons aforesaid. Rec^d also, for revision &c. an engrossed bill, entitled "An act assessing a tax on the County of Essex," which was read, Whereupon, *Resolved* to concur in passing said bill, and *Ordered* that the Secretary inform the House of such concurrence.

Received a communication from the Speaker of the House of representatives, informing that the House had concurred in the amendments proposed by the Governor and Council to bills of the following titles, to wit, "An act in addition to an act entitled 'an act ascertaining the principles, on which the list of this state shall be made, and directing listers in their office & duty,' passed Nov. 17. 1825," "An act annexing the town of Warren in the County of Addison to the County of Washington," and "An act in addition to an act establishing permanent salaries and for regulating certain fees and taxable costs," Which was read.

Mr. Clark of Bennington County, who was appointed to prepare and report reasons for the amendment proposed to the bill entitled "an act relating to the collecting of state taxes," reported the following, to wit, "As there are no means provided for informing the Treasurer what towns are not represented, it is deemed necessary that this information should be given him in an official manner, that he may be enabled to comply with the directions given in the bill, in issuing warrants for the collection of State taxes," Which were adopted; Whereupon, *Ordered* that the Secretary inform the House of the passage of said bill as amended, and return the same to the House with the reasons aforesaid.

Rec^d for revision &c. an engrossed bill, entitled "An act altering the times of holding certain County Courts," Which was read and amended by adding to the first section the following, to wit, "At Bennington and Manchester, in the County of Bennington, alternately, beginning at Bennington, on the second Tuesday of April and on the fourth Tuesday of September in each year. At Rutland in the County of Rutland, the fourth Tuesday of April and on the second Tuesday of September in each year," Whereupon *Resolved* to concur in passing said bill, as amended, and Mr. Pierpoint was appointed to assign reasons to the House for said amendment. Rec^d also, for revision &c. an engrossed bill, entitled "An act annexing part of the town of Middlebury to the town of Ripton," which was

read and amended by adding the following proviso, to wit, "Provided that this act shall not be in force until the towns of Middlebury and Ripton shall each, by vote in town meeting, have given their assent to the same": Whereupon, *Resolved* to concur in passing said bill as amended, and Mr. Pierpoint was appointed to prepare and report reasons for such amendment, who forthwith reported the following, to wit, "That it is inexpedient to alter town lines without the consent of the towns interested," which were adopted, Whereupon, *Ordered* that the Secretary inform the House of the passage of said bill as amended, and return the same with the reasons aforesaid. Rec^d also, for revision &c. an engrossed bill, entitled "An act to alter the line between the towns of Swanton and Fairfield," which was read, Whereupon, *Resolved* to concur in passing said bill. Rec^d also, for revision &c. an engrossed bill, entitled "An act to incorporate the Connecticut River Steam-boat Company," which was read, Whereupon, *Resolved* to concur in passing said bill. Rec^d also, for revision &c. an engrossed bill, entitled "An act granting a further time for making a road in the town of Cavendish," which was read, Whereupon, *Resolved* to concur in passing said bill. Rec^d also, for revision &c. an engrossed bill, entitled "An act granting further time to the town of Weathersfield for making a road therein mentioned," which was read, Whereupon, *Resolved* to concur in passing said bill. Rec^d also, for revision &c. an engrossed bill, entitled "An act establishing an Academy at Craftsbury, in the County of Orleans," Which was read, Whereupon, *Resolved* to concur in passing said bill. Rec^d also, for revision &c. an engrossed bill, entitled "An act to incorporate the Connecticut River Canal Company," which was read, and the question being taken, "Will the Governor and Council concur in passing this bill?" it was unanimously determined in the affirmative, the Lieut. Governor and every member of the Council being present & voting thereon. *Ordered* that the Secretary inform the House of the passage of the five last-mentioned bills. Adjourned to 2 o'clock P. M.¹

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. Rec^d from the House, for revision &c. an engrossed bill, entitled "An act directing the Treasurer of this State to credit the towns of Wolcott, Belvidere, Westfield, Goshen and Mansfield, the amount of the State tax assessed on said towns for the year 1828," which was read, Whereupon, *Resolved* to concur in passing said bill, and *Ordered* that the Secretary inform the House of such concurrence.

Received from the House, for concurrence in the reference, the following, to wit, "Account of William G. Hunter and Ezra S. Trask," with an order of reference thereon, to the Committee of claims; Whereupon, *Resolved* to concur in said order of reference.

Received from the House for concurrence in passing, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the acts of the last session of Congress, now deposited in the Library, be distributed in the following manner, viz. one copy to the Governor, one to each State's attorney and each county Clerk, to the county of Bennington twelve copies, Windham county fifteen copies, Rutland county seventeen copies, Windsor county fifteen copies, Addison county fourteen copies, Orange county thirteen copies, Chittenden county eleven copies, Washington county eleven copies, Caledonia county twelve copies, Franklin county eleven copies, Orleans county

¹ In Joint Assembly Benjamin Swan, Job Lyman, and Geo. T. Hodges were elected Directors of the Vermont State Bank; and Robert Pierpoint to examine the several banks.

twelve copies, Essex county five copies, Grand Isle county three copies, that three copies be deposited in the Secretary of State's office, and the remainder in the library of the General Assembly." Which was read. Whereupon, *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary inform the House of such concurrence.

Rec^d for revision &c. an engrossed bill, entitled "An act in addition to 'an act to incorporate the Vermont Mutual fire insurance Company,'" which was read and amended by striking out the whole of the second section. Whereupon, *Resolved* to concur in passing as amended, and Mr. Pierpoint was appointed to assign to the House the reasons for such amendment.

Rec^d also, for revision &c. an engrossed bill entitled "An act for the relief of Benjamin Swan, Treasurer of this State" which was read, Whereupon, *Resolved* to concur in passing said bill, and *Ordered* that the Secretary inform the House of such concurrence.

It was moved to re-consider the vote of the 22^d instant, dismissing the petition of Norman B. Pier, a State prison convict, and the question being taken on said motion, it was determined in the negative.

Mr. Thompson, from the committee to whom was committed the engrossed bill entitled "An act in addition to an act entitled 'an act directing the mode of obtaining licences, and regulating inns and houses of public entertainment,' passed Nov. 2. 1798," reported the same with the following proposals of amendment, to wit, Strike out all in the title of the act, after the words "entitled an act," in the first line, and insert, in lieu thereof, the following, to wit, "laying duties on licenses for selling wines and foreign distilled spirituous liquors, by retail, passed Nov. 11. 1802, and to repeal part of an act therein mentioned." Strike out the whole of the first section after the enacting clause, and insert, in lieu thereof, the whole of the second section after the word "enacted" in the first line, excepting the words "for granting licences to retailers of foreign distilled spirits," at the end of said section, and excepting, also, the *proviso* of said section, and by adding to said section the following,— "Provided, that whenever any person shall make application for license to retail both foreign and domestic distilled spirits, such person shall be subject to but one assessment, and the same shall be included in one license." Also, strike out the whole of the second section & insert, in lieu thereof, the following, to wit, "Sec. 2. It is hereby further enacted — That the eighth section of an act entitled 'an act directing the mode of obtaining licenses, and regulating Inns and houses of public entertainment' passed Nov. 2. 1798," be and the same is hereby repealed. *Provided* that said eighth section shall be and remain in force, so far as it relates to any prosecution now pending, and to all penalties, which may have accrued on the first day of January next:—*Provided*, also, that this act shall not take effect until the first day of January next." Which amendments were adopted. Whereupon, *Resolved* to concur in passing said bill, as amended, and Mr. Thompson was appointed to assign reasons to the House for said amendments.

The Governor and Council appointed Messrs. Reuben Smith, Jacob Collamer & Willard Child, commissioners, under the 3^d sec of "an act in addition to & amend^t of the several acts for the purpose of founding the University of Vermont," passed Oct. 30. 1828.

Adjourned to 7 o'clock this evening.

7 O'CLOCK P. M. — The Governor and Council met agreeably to adjournment. The House sent up, for revision &c. an engrossed bill, entitled "An act to repeal part of an act therein mentioned," which was read, Whereupon, *Resolved not* to concur in passing said bill, and Mr.

Pierpoint was appointed to prepare and report reasons for such *non* concurrence, and he reported the following, to wit. "The Governor and Council consider the section, proposed to be repealed, one of the most important provisions in the school law, and that, without said section, the act containing it would be inconsistent with itself." Which were adopted, and *Ordered* that the Secretary return said bill to the House with the reasons aforesaid.

Rec^d. also, for revision &c. an engrossed bill, entitled "An act annexing a part of the town of Brookfield to the town of Chelsea," which was read and amended, by adding the following proviso, to wit, "Provided that this act shall not be in force, until the towns of Brookfield and Chelsea shall, by vote in town meeting, have declared their assent to the same." Whereupon, *Resolved* to concur in passing said bill as amended, and Mr. Pierpoint was appointed to prepare and report reasons for said amendment, and he reported the following, to wit, "That it is inexpedient to alter town lines without the consent of the towns interested," which were adopted. Whereupon, *Ordered* that the Secretary inform the House of the passage of said bill, as amended, and return the same with the reasons aforesaid.

Rec^d. also, for revision &c. an engrossed bill, entitled "An act for the relief of poor debtors," which was read and amended by inserting between the words "creditor" and "shall" the words "or his attorney of record." Whereupon, *Resolved* to concur in passing said bill, as amended, and the following was adopted as the reason for said amendment, to wit, "The bill would be imperfect without the words proposed to be inserted"—Whereupon, *Ordered* that the Secretary inform the House of the passage of said bill, as amended, and return the same with the reason aforesaid.

The House sent up for revision and concurrence or proposals of amendment, an engrossed bill, entitled "An act incorporating certain persons, therein named, by the name of the Burlington Fire Company," which was read, Whereupon, *Resolved* to concur in passing said bill.

Rec^d. also, for revision &c. an engrossed bill, entitled "An act granting a piece of ordnance to the Jefferson Artillery Company," which was read, Whereupon, *Resolved* to concur in passing said bill. Rec^d. also, for revision &c. an engrossed bill, entitled "An act in addition to an act constituting Probate Courts, and defining their powers, and regulating the settlement of testate and intestate estates, and the guardianship of minors and insane persons," which was read, Whereupon, *Resolved* to concur in passing said bill. Rec^d. also, for revision &c. an engrossed bill, entitled "An act in addition to an act, entitled 'an act constituting the Supreme Court of Judicature and County Courts, defining their powers and regulating judicial proceedings,'" which was read, Whereupon, *Resolved* to concur in passing said bill. Rec^d. also, for revision &c. an engrossed bill, entitled "An act in addition to an act entitled 'an act for regulating and governing the militia of this State,'" which was read, Whereupon, *Resolved* to concur in passing said bill. Rec^d. also, for revision &c. an engrossed bill, entitled "An act in addition to an act, entitled 'An act incorporating certain persons therein named by the name of the Woodstock Fire Society,'" which was read, Whereupon, *Resolved* to concur in passing said bill. Rec^d. also, for revision &c. an engrossed bill, entitled "An act granting to the town of Dummerston further time for making a new road or highway, therein mentioned," which was read, Whereupon, *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the passage of the seven bills last mentioned.

Rec^d. also, for revision &c. an engrossed bill, entitled "An act providing for the publication of the reports of the Supreme Court." Which

was read, and amended by inserting the word "annually" after the word "appoint" in the third line of the first section and striking out the words "as soon as may be and yearly thereafter" in the fifth and sixth lines of the same section. Whereupon, *Resolved* to concur in passing said bill, as amended, and Mr. Thompson was appointed to prepare reasons for such amendments, and he reported the following, to wit. "The Governor and Council assign as reasons for the amendments, that without the first amendment, doubts might exist whether the appointment by the Governor is to be made annually, and the other amendment is proposed, because the words to be struck out are surplusage," Which reasons were adopted, and *Ordered* that the Secretary inform the House of the passage of said bill as amended and return the same with the reasons aforesaid.

Rec^d. also for revision &c. an engrossed bill, entitled "An act laying a tax on the lands in Bolton," which was read. Whereupon *Resolved* to concur in passing said bill. Rec^d. also, for revision &c. an engrossed bill, entitled "An act making provision for settling the concerns of the Vermont State Bank, and to repeal an act therein mentioned," which was read, Whereupon, *Resolved* to concur in passing said bill. Rec^d. also, for revision &c. an engrossed bill, entitled "An act assessing a tax for the support of government," which was read, Whereupon, *Resolved* to concur in passing said bill. Rec^d. also, for revision &c. an engrossed bill, entitled "An act making appropriations for the support of government," which was read, Whereupon, *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the passage of the four bills last mentioned.

Rec^d. from the House, The report of the joint committee, to whom was referred certain resolutions of the Legislature of the State of Missouri, recommending alterations in the Constitution of the United States, together with the following resolutions, to wit, "*Resolved*, by the General Assembly of the State of Vermont, that a uniform mode of choosing electors of President & Vice-President throughout the United States is extremely desirable, but that, in the opinion of this body, it is inexpedient, at present, to alter the Constitution of the United States upon that subject." "*Resolved*, that it is inexpedient to abolish the choice of President and Vice-President by electors, as is now provided by the constitution of the United States." "*Resolved*, that it is inexpedient, at present, so to alter the Constitution of the United States, as to take from the House of Representatives, in any event, the choice of President and Vice-President, when there is not a choice by the electors." "*Resolved*, that the Governor of the State transmit the above resolutions to the Governors of the several states, to be by them submitted to their respective legislatures." Which were read, Whereupon, *Resolved* to concur in passing said resolutions, & *Ordered* that the Secretary inform the House of such concurrence. Rec^d. also, from the House the report of the joint committee, to whom was referred, the consideration of the public documents and resolutions from the States of South Carolina, Georgia, Virginia and Missouri, together with the following resolutions, recommended by said committee & passed by the House, to wit, "*Resolved*, the Governor and Council concurring herein, that the General Assembly of this state, now convened, do *not* concur in the sentiments and views expressed in the documents and resolutions from the several states mentioned in the foregoing report, so far as they deny to Congress the constitutional right to regulate the tariff, and to make appropriations for internal improvements." "*Resolved*, that the Governor of this State be requested to transmit a copy of the foregoing report and resolutions to the executive of the several states." Which were read ;—Whereupon,

Resolved to concur in passing said resolutions ; & *Ordered* that the Secretary inform the House of such concurrence.

Rec^d from the House, for revision &c an engrossed bill, entitled "An act directing the Treasurer to pay Jacob Kent, junior, the sum therein mentioned," which was read, Whereupon, *Resolved* to concur in passing said bill, & *Ordered* that the Secretary inform the House of such concurrence,

Rec^d also, for revision &c an engrossed bill, entitled "An act in addition to an act entitled 'an act constituting the Supreme Court of Judicature and County Courts, defining their powers and regulating judicial proceedings,'" which was read, Whereupon, Mr. Clark of Bennington County moved that said bill be amended by adding the following, to wit, "Sec. 4. It is hereby further enacted, that no review shall be allowed in any action, which shall hereafter be entered in any County Court in this State, when judgment in such causes shall have been rendered on the verdict of a jury," and the question being taken on said motion, it was determined in the negative. Mr. Pierpoint moved to amend said bill by striking out the words, "the chief," in the third line of the first proviso to the second section, and inserting, in lieu thereof, the word "a," and the question being taken on said motion, it was determined in the negative, Whereupon said bill was *Ordered* to lie on the table.

Rec^d also, for revision &c an engrossed bill, entitled "An act directing the Treasurer to pay William G. Hunter and Ezra S. Trask the sums therein mentioned," which was read, Whereupon, *Resolved* to concur in passing said bill, and *Ordered* that the Secretary inform the House of such concurrence.

Rec^d also, for revision &c an engrossed bill, entitled "An act laying a tax of four cents on each acre of land in the town of Canaan," which was read, Whereupon, *Resolved* not to concur in passing said bill, and Mr. Langdon was appointed to prepare reasons in writing for such non-concurrence, who reported the following, to wit, "That the Governor and Council are not advised that a tax of four cents on each acre of land in the town of Canaan is necessary for the purposes therein mentioned ; for, that taxes to the amount of twenty-three cents have been heretofore laid on said town, for making and repairing roads &c and that, at the October Session of the legislature in 1824, a tax of four cents was laid on each acre of land in said town, for the purposes aforesaid, and that the inhabitants of said town are amply able, by the ordinary mode of taxation, to make and keep in repair their roads and bridges," Which reasons were adopted, Whereupon, it was *Ordered* that the Secretary return said bill to the House with the reasons aforesaid.

The engrossed bill, entitled, "An act in addition to an act, entitled 'an act constituting the Supreme Court of Judicature and County Courts, defining their powers and regulating judicial proceedings,'" which was, this evening, laid on the table, was taken up and amended by adding to the end of the second proviso to the second section the following, to wit, "And if execution shall not have been issued, such judge may order that the same shall not be issued, during the pendency of such petition," Whereupon, *Resolved* to concur in passing said bill, as amended, and Mr. Thompson was appointed to prepare and report reasons for said amendment, and he reported the following, to wit, "That the bill, without such amendment, does not authorize the judge to order a stay of execution not already issued," Which were adopted. Whereupon, *Ordered* that the Secretary inform the House of the passage of said bill, as amended, and return the same with the reasons aforesaid.

Rec^d also, for revision &c an engrossed bill, entitled "An act directing

petitions for ferries, turnpikes, roads, canals and railways to be published," Which was read, Whereupon, *Resolved* to concur in passing said bill, and *Ordered* that the Secretary inform the House of such concurrence.

Rec^d also, for revision &* an engrossed bill, entitled "An act to incorporate certain persons therein named by the name of the Champlain Dock Company," which was read & *Ordered* to lie on the table. Adjourned to 7 o'clock tomorrow morning.

FRIDAY Oct. 30, 1829. 7 o'clock A. M.

The Governor and Council met agreeably to adjournment. The engrossed bill, entitled "An act to incorporate certain persons therein named by the name of the Champlain Dock Company," which was, last evening, laid on the table, was taken up and amended by adding to the first section the following, to wit, "for the purpose of erecting wharves and docks in Burlington Bay," and by striking out the whole of the second section. Whereupon, *Resolved* to concur in passing said bill, as amended, and Mr. Pierpoint was appointed to assign reasons to the House for such amendments.

The following resolution was introduced, to wit, "In Council, Oct. 30, 1829, *Resolved*, That His Excellency, the Governor, be requested to appoint Friday, the ninth day of April next, to be observed as a day of public fasting, humiliation and prayer throughout this state," Which was read and passed.

The House sent up, for revision &* an engrossed bill, entitled "An act for the benefit of poor debtors," which was read; Whereupon, *Resolved not* to concur in passing, and Mr. Langdon was appointed to prepare reasons in writing for such *non* concurrence, and he reported the following, to wit, "The Governor and Council are not advised that any very serious evils exist under the present law, relative to poor debtors, which would be remedied by said bill:—that the bill makes many important alterations in the existing laws, which have been in force for many years, and that, at this late hour of the Session of the Legislature, it is inexpedient to make any material alterations therein," which were adopted—Whereupon, it was *Ordered* that the Secretary return said bill to the House with the reasons aforesaid.

A message was received from the House by Mr. Steele of Canaan, one of its members, informing that the House had again passed the bill entitled "an act laying a tax of four cents on each acre of land in the town of Canaan," in the passage of which the Governor and Council, last evening, resolved *not* to concur, and, after assigning reasons, Mr. Steele withdrew, Whereupon, *Resolved* to rescind from the vote of *non*-concurrence in the passage of said bill, and said bill was amended by striking out the word "four" from the title, and the word "four" from the third line of the bill, and inserting in lieu of each the word "two," Whereupon, *Resolved* to concur in passing said bill as amended, and Mr. Deming was appointed to assign reasons to the House for such amendments.

Rec^d a message from the Speaker of the House of Representatives, informing that the General Assembly had concurred in the amendments proposed by the Governor and Council to the following bills, to wit, "An act altering the times of holding certain County Courts"; "An act in addition to an act to incorporate the Vermont Mutual Fire insurance Company"; "An act in addition to an act entitled 'an act directing the mode of obtaining licences and regulating inns and houses of public entertainment,' passed Nov. 2. 1798"; "An act providing for the publication of the reports of the Supreme Court"; "An act annexing part of the town of Chittenden to the town of Sherburne"; "An act relating to the

collection of State taxes"; "An act annexing part of the town of Middlebury to the town of Ripton"; "An act annexing part of the town of Brookfield to the town of Chelsea"; "An act in addition to an act entitled 'an act constituting the Supreme Court of judicature and County Courts, defining their powers and regulating judicial proceedings'; "An act to incorporate certain persons therein named by the name of the Champlain Dock Company," and "An act laying a tax of four cents on each acre of land in the town of Canaan"; Which was read.

Received a message from the House of Representatives by Mr. Paine, one of its members, informing that the House had completed the business of the Session, on their part, and were ready to meet the Governor and Council for the purpose of adjourning the Legislature without day. *Ordered* that the Secretary inform the House of Representatives that the Governor and Council will immediately attend in the representatives' room, for the purpose of adjourning the Legislature without day.

The Governor and Council attended in the representatives' room, agreeably to the joint resolution of the two houses, and, after a prayer by the Chaplain, the Sheriff of Washington County, by direction of His Excellency the Governor, adjourned the General Assembly without day. The Governor and Council then returned to their Chamber and adjourned without day.

STATE OF VERMONT ss. The foregoing, from page 161 to page 247, inclusive, [of the manuscript Council Journal, Vol. 11,] is a true journal of the proceedings of the Governor and Council, at their annual session in the year 1829.

GEO. B. SHAW, *Secretary*.

His Excellency, the Governor, was pleased to appoint James Davis Esq^r. agent for publishing the Reports of the Supreme Court, under the act of 1829, authorizing such appointment.

DEBENTURE OF THE LIEUT. GOVERNOR AND COUNCIL, 1829.	No. Miles Travel.	Am't of Travel.	No. days Att'nce.	Am't. of Att'nce.	Debenture.
Lieut. Gov. Olin	70	8.40	23	92.00	100.40
Mr. Allen	45	5.40	23	34.50	39.90
" Clark of B.	110	13.20	23	34.50	47.70
" Clark of W.	110	13.20	23	34.50	47.70
" Davis	65	7.80	19	28.50	36.30
" Deming	30	3.60	23	34.50	38.10
" Harris	32	3.84	23	34.50	38.34
" Hoyt	55	6.60	23	34.50	41.10
" Langdon	90	10.80	23	34.50	45.30
" Lyman	50	6.00	21	31.50	37.50
" Pierpoint	70	8.40	23	34.50	42.90
" Thompson	38	4.56	23	34.50	39.06
" Worthington	1	0.12	23	34.50	34.62
Sheriff Keith	1	0.12	23	34.50	34.62
Deputy	10	1.20	23	34.50	35.70
Librarian	1	12	23	34.50	34.62
					\$693.86

The above was received of the Treasurer, by the Sheriff of Washington County, and by him paid over to the members of the Council &c.

FIFTY-FOURTH COUNCIL.

OCTOBER 1830 TO OCTOBER 1831.

SAMUEL C. CRAFTS, Craftsbury, *Governor*.

MARK RICHARDS, Westminster, *Lieut. Governor*.¹

Councillors:

ROBERT PIERPOINT, Rutland,
JOHN C. THOMPSON, Burlington,
GEO. WORTHINGTON, Montpelier,
BENJAMIN F. DEMING, Danville,
JEDEDIAH H. HARRIS, Strafford,
MYRON CLARK, Manchester,

EZRA HOYT, New Haven,
IRA H. ALLEN, Irasburgh,
SAMUEL CLARK, Brattleborough,
JAMES DAVIS, St. Albans,
WILLIAM G. HUNTER, Windsor,
HENRY F. JANES, Waterbury.

GEORGE B. SHAW, Danville, *Secretary*.

RAWSEL B. KEITH, Montpelier, *Sheriff*.

CALVIN J. KEITH, Montpelier, *Librarian*.

BIOGRAPHICAL NOTICES.

WILLIAM G. HUNTER was a son of Hon. Wm. Hunter. It seems that he held no office except that of Councillor for the single year 1830-'31. At the election of Sept. 1831, the anti-masonic ticket prevailed, and all the Councillors elected in 1830, Mr. Janes excepted, were superseded. This sufficiently accounts for the disappearance of Mr. Hunter from the Council.

HENRY F. JANES was born in Brimfield, Mass., in October, 1792, removed to Vermont soon after becoming of age, studied law at Montpelier, and was admitted to the bar of Washington County in 1817. In that year he settled in Waterbury, where he still [1879] resides. He was postmaster of Waterbury 1820 to 1830, Councillor 1830 until 1835, member of Congress 1835 to 1837, State Treasurer 1838 until 1841, member of the Council of Censors in 1848, and representative of Waterbury in the Legislature of 1855.

¹ For notice of Mr. Richards see Vol. v, p. 1.

RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION WITH THE GENERAL ASSEMBLY AT MONTPELIER, OCTOBER 1830.

A journal of the proceedings of the Governor and Council of the State of Vermont, at their session, begun and holden at Montpelier, on the second Thursday, (being the fourteenth day,) of October, in the year of our LORD, one thousand eight hundred and thirty, and of the Independence of the United States, the fifty fifth. Present, His Excellency, Samuel C. Crafts, Governor, The Hon. Myron Clark, of Bennington County, Samuel Clark, of Windham County, Benjamin F. Deming, Jedediah H. Harris, Ezra Hoyt, John C. Thompson, George Worthington, Robert Pierpoint & Job Lyman, Councillors.

A message was received from the House of Representatives, by Mr. Follett, one of its members, informing that the House had organized, by electing Robert B. Bates, Speaker, *pro tem.* and Timothy Merrill, Clerk, *pro tem.* and was ready to receive any communications, which the Governor and Council might make. *Ordered*, That the Secretary inform the House of Representatives that the Governor and a quorum of the Council are assembled in the Council Chamber, and are ready to proceed to business.

A message was received from the House of Representatives, by Mr. Lyman of Hartford, one of its members, informing that the House had, on their part, appointed a Canvassing Committee, to sort and count the votes for Governor, Lieutenant Governor, Treasurer and Councillors, for the year ensuing, and requesting the Governor and Council to join in said appointment, — Whereupon, *Resolved* to concur in said appointment, and Messrs. Deming, Pierpoint and Lyman were appointed from Council, and were duly sworn, by the Hon. Mr. Hoyt, of the Council, to the faithful discharge of their duty. *Ordered* that the Secretary inform the House of such concurrence and appointment.

Adjourned to 4 o'clock P. M.¹

4 O'CLOCK P. M. — The Governor and Council met agreeably to adjournment. Mr. Allen appeared in the Council chamber and took his seat as a member of the Council.

A message was received from the House of Representatives, by Mr. Smith of St Albans, one of its members, informing that the House was ready on their part to receive the report of the canvassing Committee. *Ordered*, that the Secretary inform the House, that the Governor and Council will immediately attend in the Representatives' room to receive the report of the Canvassing Committee. The Governor and Council repaired to the Representatives' room, for the purpose of receiving the report of the Canvassing Committee, when the following report was made, viz. —

"To the Hon. General Assembly, now sitting. The joint Committee, appointed to receive, sort and count the votes for Governor, Lieut. Governor, Treasurer and Councillors, respectfully report, that they have attended to the duties of their appointment, and that the votes returned

¹The election sermon was preached by Rev. George G. Ingersoll.

for Governor, are as follows :— For Samuel C. Crafts 13,476. For William A. Palmer 10,923. For Ezra Meech 6285. Scattering 37. Your Committee therefore report that the freemen have not elected a Governor for the year ensuing. Your Committee further report, that the votes, returned for Lieutenant Governor, are as follows, For Mark Richards 12,779. For Lebbeus Edgerton 10,594. For John Roberts 6,405. Scattering 69. Your Committee therefore report, that the freemen have not elected a Lieutenant Governor for the year ensuing. Your Committee further report that Benjamin Swan is elected Treasurer of this State for the year ensuing, and that Myron Clark, William G. Hunter, John C. Thompson, Ira H. Allen, Samuel Clark, Ezra Hoyt, George Worthington, Benjamin F. Deming, Robert Pierpoint, Jedediah H. Harris, James Davis, and Henry F. Janes are elected Councillors for the year ensuing.

R. PIERPOINT, *Chairman*.

R. C. ROYCE, Clerk.

Montpelier, Oct. 14. 1830."

The Governor and Council then returned to their Chamber, and adjourned to 9 o'clock to-morrow morning.

FRIDAY Oct. 15, 1830. 9 o'clock A. M.

The Council met agreeably to adjournment. Messrs. Allen, Myron Clark, Samuel Clark, Deming, Harris, Hoyt, Pierpoint, Thompson, Worthington and Hunter, elected Councillors for the year ensuing, were duly sworn to the faithful discharge of their duty, by the Hon. Samuel Prentiss, Chief Justice of the Supreme Court. The Council proceeded to organize and made choice of The Hon. Robert Pierpoint, President *pro tem*. Ordered that the Secretary inform the House accordingly.

Mr. Thompson introduced the following resolution, to wit, "In Council Oct. 15. 1830. Resolved, the General Assembly concurring herein, that both Houses meet in joint Committee in the Representatives' room, at 11 o'clock A. M. this day, for the purpose of electing a Governor and Lieut. Governor for the year ensuing," Which was read and passed and ordered to be sent to the House of Representatives for their concurrence. A message was received from the House of Representatives, informing that that body had concurred in the resolution of the Council, assigning a time for the meeting of both Houses for the purpose of electing a Governor and Lieut. Governor for the year ensuing.

A message was received from the House of Representatives, informing that the House had organized by electing Robert B. Bates, Speaker, Timothy Merrill, Clerk, Norman Williams, Secretary of State, and Daniel P. Thompson, Engrossing Clerk.

The Council proceeded, agreeably to joint resolution, to the Representatives' room, and, in joint Committee, balloted for Governor, without effecting a choice, after which they returned to their chamber. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Council met agreeably to adjournment. The Hon. Henry F. Janes, elected a member of the Council for the year ensuing, appeared in the Council chamber & was duly sworn to the faithful discharge of the duties of said office.

The Council proceeded to the Representatives' room, for the purpose of electing, in joint Committee, a Governor & Lieut. Governor for the year ensuing, and, after several ineffectual ballotings for a Governor, the joint Committee adjourned to 10 o'clock to-morrow morning, and the

Council returned to their chamber. Adjourned to 9 o'clock tomorrow morning.

SATURDAY Oct. 16, 1830. 9 o'clock A. M.

The Council met agreeably to adjournment. Pursuant to the adjournment of the joint Committee, the Council proceeded to the Representatives' room for the purpose of electing, in concurrence with that body, a Governor and Lieut. Governor for the year ensuing, when, after several ineffectual ballotings for a Governor, the joint Committee adjourned to 2 o'clock P. M. and the Council returned to their chamber. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Council met agreeably to adjournment. Received from the House, for concurrence in passing, the following resolution, to wit, "Resolved, the Hon. Council concurring herein, that both houses meet in joint Committee in the representatives' room, at two o'clock this afternoon, for the purpose of electing a chaplain of the General Assembly for the year ensuing,"—Which was read, Whereupon *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary inform the House of such concurrence. The Council, in pursuance of said last mentioned joint resolution, proceeded to the Representatives' room, and, after having attended to the election of a chaplain, proceeded in joint Committee, agreeably to adjournment, when, after having balloted several times for a Governor, without effecting a choice, the joint Committee adjourned to 10 o'clock, on Monday morning next, and the Council returned to their Chamber.¹ Adjourned to 9 o'clock Monday morning.

MONDAY Oct. 18, 1830. 9 O'clock A. M.

The Council met agreeably to adjournment. In pursuance of the adjournment of the joint Committee, the Council proceeded to the Representatives' room, when, after several ineffectual ballotings for a Governor, for the year ensuing, the joint Committee adjourned to 10 o'clock to-morrow morning, and the Council returned to their Chamber. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Council met agreeably to adjournment. Adjourned to 9 o'clock to-morrow morning.

TUESDAY Oct. 19, 1830. 9 o'clock A. M.

The Council met agreeably to adjournment. In pursuance of the adjournment of the joint Committee of both Houses, the Council proceeded to the Representatives' room, for the purpose of electing a Governor and Lieut. Governor for the year ensuing, and the ballots for Governor having been received and counted, His Excellency Samuel C. Crafts was duly elected Governor of the State of Vermont for the year ensuing, of which proclamation was duly made. The ballots for Lieut. Governor having been received, examined and counted, The Hon. Mark Richards was duly elected Lieut. Governor of the State of Vermont for the year ensuing, of which proclamation was duly made. The joint Committee

¹ Rev. George G. Ingersoll was elected chaplain.

was then dissolved, and the Council returned to their Chamber. Adjourned to 2 o'clock P. M.¹

2 o'clock P. M.—The Council met agreeably to adjournment. The Hon. Mark Richards, elected Lieutenant Governor of the State of Vermont for the year ensuing, appeared in the Council chamber and was duly sworn into said office.

Rec^d. from the House, for concurrence, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that both Houses meet in County Conventions, on Wednesday next, at three o'clock in the afternoon, for the purpose of making nominations of County officers, and that they meet in joint Committee, in the Representatives' room, at the opening of the House, on Thursday morning next, for the purpose of electing such officers." Which was read, Whereupon *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary notify the House accordingly.

Received from the House the following list of joint Standing Committees, to wit, A Committee of four, denominated the Committee of Ways & Means. A Committee of four, denominated the Committee on Military affairs. A Committee of four, denominated the Judiciary Committee. A Committee of four, denominated the Committee of Claims. A Committee of four, denominated the Committee of Insolvency. A Committee of four, denominated the Committee on roads & canals. A Committee of four, denominated the Committee of Manufactures. A Committee of four, denominated the Committee of Agriculture. A Committee of four, denominated the Land Tax Committee. A Committee of four, denominated the Committee on Education. A Committee of thirteen, denominated the General Committee;— with a request that the Governor and Council would join on their part in said appointment. Whereupon, *Resolved* to concur in the appointment of said Committees.

Rec^d. from the House, for concurrence in the reference, The petition of Norman Cleveland, for relief, with an order of the House thereon referring the same to a select committee of four to join from Council, Whereupon *Resolved* to concur in said order of reference, and Mr. Thompson was appointed from Council.

The following gentlemen were appointed on the several joint standing Committees, to wit, on the Committee of Ways & Means Mr. Deming. On the Committee on Military Affairs Mr. Myron Clark. On the Judiciary Committee Mr. Thompson. On the Committee of Claims Mr. Hunter. On the Committee of Insolvency Mr. Harris. On the Committee on roads and canals Mr. Janes. On the Committee of Manufactures Mr. Samuel Clark. On the Committee of Agriculture Mr. Hoyt.

¹ There were three parties in the Legislature, the National Republicans, the Anti-Masons, and the Jackson men or Democrats. There were thirty-two ballots, Gov. Crafts having been elected on the thirty-second ballot. The first and thirty-second ballots were as follows:

<i>First Ballot.</i>		<i>Thirty-Second Ballot.</i>	
Samuel C. Crafts, (Nat. Repub.)	105	Samuel C. Crafts,	115
Wm. A. Palmer, (Anti-Mason,) 80		Wm. A. Palmer,	72
Wm. C. Bradley, (Jacksonian,) 38		Wm. C. Bradley,	37
Scattering,	5	Blank,	1

Mark Richards was elected Lieut. Governor on the third ballot, as follows: Mark Richards, 117; Lebbeus Edgerton, 57; John Roberts, 37.

On the Land Tax Committee Mr. Allen. On the Committee on Education Mr. Pierpoint. On the General Committee Mr. Worthington.

Adjourned to 9 o'clock to-morrow morning.

WEDNESDAY Oct. 20, 1830. 9 o'clock A. M.

The Council met agreeably to adjournment, Lieut. Gov. Richards in the Chair. The House sent up for concurrence in passing, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the Judiciary Committee be instructed to inquire into the expediency of providing by law, for perambulating or establishing town lines in this State." Read;—Whereupon, *Resolved* to concur in passing said resolution.

Rec^d. from the House, for concurrence in the reference, the following, to wit, "An act, in addition to an act, entitled 'an act, ascertaining the principles, on which the list of this State shall be made & directing listers in their office and duty,' passed Nov. 17. 1825," with an order of reference thereon to the General Committee; Also, The petition of Samuel Wead & others; Report of the Auditor in the Treasury department; The petition of the Selectmen of Morgan; The petition of Martin Prindle and others; "An act directing the Treasurer of this State to credit the town of Belvidere the amount of the State tax assessed on said town for the year 1829," & The petition of Daniel Mack; with an order of reference on each to the Committee of Ways & Means. Also, The petition of Daniel Bowen & others, with an order of reference thereon to the Committee on Military affairs; Also, The petition of Horace Janes & others; The petition of Jacob Johnson; The petition of Executors of James Perkins; "An act in addition to an act, entitled 'an act for the punishment of certain inferior crimes & misdemeanors,'" "An act relating to the settlement of the accounts of the several County Treasurers in this State;" "An act legalizing the proceedings of the Burlington Fire Company," and The petition of Harvey Deming & others; with an order of reference on each to the Judiciary Committee; Also, The petition of the Selectmen of Vernon; The petition of Edward G. Babcock; The petition of Nahum Jennison & Joseph S. Jennison; The petition of William B. Pratt; Account of Austin Birchard against the State, disallowed by the Auditor and referred to the General Assembly; "An act providing a compensation to the Hon. Bates Turner, late Judge of the Supreme Court"; Account of the overseer of the poor of Middlebury against the State, disallowed by the auditor & referred to the General Assembly; The petition of the Selectmen of Danby; The petition of Sylvanus Ripley; The petition of John Chaffee; The petition of Albe Davison; The petition of Tappan Stevens; Account of Porter & Gowdy against the State, disallowed by the Auditor and referred to the General Assembly; The account of Philip Pond, against the State, disallowed by the Auditor and referred to the General Assembly; "An act directing the Treasurer to pay Joseph Newton the sum therein mentioned;" and The petition of Benjamin F. Haskell; with an order of reference on each to the Committee of claims; Also, The petition of Rodney C. Marsh & others; The petition of Benjamin Sanford; "An act in addition to an act entitled 'an act relating to jails & jailers, and for the relief of persons imprisoned therein';" The petition of Elias Doty & others; The petition of Chester Herrick & others; The petition of Thomas Alden & others; and the petition of Ebenezer M. Farrington & others; with an order of reference on each to the Committee of Insolvency;—Also, The petition of the Selectmen of Greensboro; The petition of Miles H. Johnson; "An act in addition to

and alteration of an act entitled 'an act reducing into one the several acts for laying out, making, repairing and clearing highways'; "An act relating to roads and bridges"; "An act further to continue in force an act therein mentioned"; and The petition of John Holbrook and others; with an order of notice [reference] on each to the Committee on roads & canals;—*Also*, The petition of the Selectmen of Richford; The petition of the Selectmen of Stratton; The petition of Jonathan Arms & others; The petition of the Selectmen of Waterville; The petition of the Selectmen of Topsham; The petition of Pliny Parker & others; The petition of Rufus Hamilton & others; The petition of the Selectmen of Worcester; The petition of Josiah Lyon; The petition of John Cushman; The petition of Selectmen of Eden; The petition of Jairus Stebins & others; The petition of the Selectmen of Sherburne; and The petition of the Selectmen of Groton; with an order of reference on each to the Land Tax Committee;—*Also*, The petition of Ebenezer Conant & others, and The petition of the Trustees of Bradford Academy; with an order of reference on each to the Committee on Education; Whereupon, *Resolved* to concur in said several orders of reference.

Rec^d also for concurrence in the reference:—The petition of Moses Strong, with an order of reference thereon to a Committee of two members of the House of Representatives, to join from Council; Whereupon, *Resolved* to concur in said order of reference and M^r Deming was appointed from Council. *Also*, The petition of Aaron S. Beeman and others, with an order of reference thereon to a Committee of four members of the House of Representatives to join from Council; Whereupon, *Resolved* to concur in said order of reference & M^r Thompson was appointed from Council. *Rec^d* also, The petition of John Cressey & others, with an order of reference thereon to a committee of two members of the House to join from Council; Whereupon, *Resolved* to concur in said order of reference and M^r Hunter was appointed from Council. *Rec^d* also, The petition of Antipas Fletcher & others, with an order of reference thereon to a Committee of two members of the House, to join from Council, Whereupon, *Resolved* to concur in said order of reference & M^r Allen was appointed from Council. *Rec^d* also, The petition of Abel Phelps & others, with an order of reference thereon to a committee of three members of the House, to join from Council. Whereupon, *Resolved* to concur in said order of reference, and M^r Clark of Bennington County was appointed from Council. *Rec^d* also, the petition of Asa Spaulding 3^d with an order of reference thereon to a committee of two members of the House, to join from Council, Whereupon, *Resolved* to concur in said order of reference and M^r Hunter was appointed from Council. *Rec^d* also, The petition of Joseph Berry & others, with an order of reference thereon to a committee of two members of the House, to join from Council; Whereupon, *Resolved* to concur in said order of reference & M^r Pierpoint was appointed from Council. *Rec^d* also, The petition of Isaiah Clark, jr., & others, with an order of reference thereon to a committee of two members of the House, to join from Council. Whereupon, *Resolved* to concur in said order of reference, and M^r Worthington was appointed from Council. *Rec^d* also, "An act to incorporate the President, Directors & Company of the Bank of Manchester," with an order of reference thereon to a committee of the members of the House from the County of Bennington, to join from Council; Whereupon, *Resolved* to concur in said order of reference, & M^r Clark of Bennington County was appointed from Council. *Rec^d* also, The petition of John Robie, 2^d with an order of reference thereon to a Committee of two members of the House, to join from Council; Whereupon, *Resolved* to concur in said order of reference & M^r Hoyt was appointed

from Council. Rec^d also, The petition of Joseph Frost and others, with an order of reference thereon to a committee of four members of the House to join from Council; Whereupon, *Resolved* to concur in said order of reference & M^r. Janes was appointed from Council. Rec^d also, The petition of Samuel Ford, with an order of reference thereon to a Committee of four members of the House, to join from Council. Whereupon, *Resolved* to concur in said order of reference & M^r. Clark of Windham County was appointed from Council. Rec^d also, The petition of Richard Skinner & others, with an order of reference thereon to a Committee of three members of the House, to join from Council. Whereupon, *Resolved* to concur in said order of reference, and M^r. Harris was appointed from Council.

Rec^d also, the following, to wit, The petition of Africa & John Davis, with an order of reference thereon to the Committee raised on the petition of Moses Strong; also, The petition of Samuel Warner; The petition of John Knight, jr.; The petition of Abner Ladd & others; and The petition of William Stephenson & others, with an order of reference on each to the Committee raised on the petition of Abel Phelps; Also, The petition of Moses S. Colton & others, and The remonstrance of Moody Shattuck & others, with an order of reference on each to the Committee raised on the petition of Antipas Fletcher & others; Also, The petition of William John Sumner, and The petition of David & Mary Berry, with an order of reference on each to the Committee raised on the petition of John Robie 2^d. Whereupon, *Resolved* to concur in said several orders of reference.

The Governor and Council attended in the Representatives' room, where His Excellency took the oaths prescribed by the Constitution, and made the following communication to both Houses, to wit.¹ The Governor and Council then returned to their Chamber. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. His Excellency, the Governor, was pleased to appoint Geo. B. Shaw, Secretary of the Governor and Council for the year ensuing, who was duly sworn to the faithful discharge of the duties of said office by the Hon. M^r. Pierpoint.

Received from the House, for concurrence in the reference, the following, to wit, The petition of Lewis Hutchins and others; The petition of Isaac N. Cushman & others; The petition of John Beckwith & others; The petition of Charles Dana & others, The petition of Abel Underwood & others, The petition of Joseph A. Denison & others, The petition of Ira H. Allen & others, The petition of Elisha C. Coolidge & others, The petition of Samuel S. Stevens & others, The petition of Samuel Little & others, The petition of Edwin Pierce & others, The petition of Moses L. Church & others, The petition of Reuben A. Lamb & others & The petition of Simeon Farnsworth & others, with an order of reference on each to the Committee raised on the petition of Norman Cleveland, Whereupon, *Resolved* to concur in said several orders of reference.

Adjourned to 9 o'clock to-morrow morning.

THURSDAY Oct. 21, 1830. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. The House sent up, for concurrence in passing, the following resolution, which passed that body on the 20th Instant, to wit, "Resolved, the Gov-

¹ For the speech see *Appendix A*.

ernor and Council concurring herein, that both Houses, in their respective rooms, proceed, at two o'clock, afternoon, on Thursday next, to elect a Senator to represent this State in the Senate of the United States, for the term of six years, to commence with the fourth day of March next, and that both Houses meet in the Representatives' room, immediately thereafter, to complete said election according to law," which was read, Whereupon, *Resolved* to concur in passing said resolution, & *Ordered* that the Secretary notify the House accordingly.

Rec^d from the House for concurrence in passing, the following resolution, to wit, "Resolved that the Committee on roads and canals be instructed to inquire into the expediency of providing by law to remove obstructions on roads running on town lines, & report by bill or otherwise," which was read—Whereupon, *Resolved* to concur in passing said resolution. Rec^d, also, the following resolution, to wit, "Resolved, that the Committee on the judiciary be instructed to inquire into the expediency of repealing all laws on the subject of usury, and report by bill or otherwise," Which was read, Whereupon, *Resolved* to concur in passing said resolution. Rec^d also, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the judiciary Committee be instructed to inquire into the expediency of reporting a bill altering the times of holding the County Courts in the Counties of Caledonia, Orleans & Essex, so that they be held at a more convenient season of the year," Which was read,—Whereupon, *Resolved* to concur in passing said resolution.

Rec^d from the House, for concurrence in the reference, the following, to wit, "An act altering the boundaries of the towns of Salem, Charleston, Morgan and Derby," Remonstrance of Abner Allyn & others, Remonstrance of Tim^s Hinman & others, Remonstrance of Noyes Hopkinson & others, & The Remonstrance of Jotham Cummings & others; with an order of reference on each to the members of the House from the County of Orleans, to join from Council:—Whereupon, *Resolved* to concur in said order of reference, and M^r Allen was appointed from Council.

Rec^d also, for concurrence in the reference, "An act to incorporate certain persons therein named by the name of the Danville Fire Society," with an order of reference thereon to a committee of four members from the House, to join from Council. Whereupon, *Resolved* to concur in said order of reference, and M^r Deming was appointed from Council. Rec^d also, The petition of Caleb Buffum, with an order of reference thereon to a committee of two members of the House, to join from Council. Whereupon, *Resolved* to concur in said order of reference, & M^r Clark of Bennington County was appointed from Council. Also, "an act in addition to an act, entitled 'an act, directing the mode of the election of the Governor, Lieutenant Governor, Treasurer of the State, Councillors and representatives,'" with an order of reference thereon to a committee of four members of the House, to join from Council. Whereupon, *Resolved* to concur in said order of reference & Lieut. Gov. Richards was appointed from Council. Also, "An act to prohibit the circulation of small bills,"—with an order of reference thereon to a Committee of four members of the House, to join from Council;—Whereupon, *Resolved* to concur in said order of reference, & M^r Pierpoint was appointed from Council. Also, The petition of Amos Bliss & others, with an order of reference thereon to a committee of four members of the House, to join from Council; Whereupon, *Resolved* to concur in said order of reference, & M^r Thompson was appointed from Council. Also, "An act for the relief of the town of Baltimore," The petition of Thomas Hall, & The petition of Jefferson Scott & others,

with an order of reference on each to the Committee of Ways & Means ;—*Also*, "An act directing the Treasurer to pay John Jackson the sum therein mentioned,"—The petition of John McDuffie, The petition of Thomas Jameson, The petition of Mark Dodge, The petition of Sam^l B. Booth, and "An act directing the Treasurer to credit Joseph Weeks the sum therein mentioned," with an order of reference on each to the Committee of Claims ;—*Also*, the petition of William Sommers 2^d. with an order of reference thereon to the Committee of Insolvency ;—*Also*, "An act repealing an act therein mentioned," and "An act extending the jurisdiction of Constables," with an order of reference on each to the Judiciary Committee ;—*Also*, "An act to repeal the acts establishing road Commissioners";—The petition of James Casey, and The petition of the Company for rendering Connecticut River navigable by Bellows' Falls; with an order of reference on each to the Committee on roads and canals ; *Also*, The petition of John Niles, with an order of reference thereon to the Committee raised on the petition of Abel Phelps ;—Whereupon, *Resolved* to concur in said several orders of reference.

The Governor and Council, agreeably to the joint resolution of both Houses, proceeded to the representatives' room, and attended to the appointment of County officers, after which they returned to their chamber.

His Excellency, the Governor, was pleased to appoint John Thomas, Inspector General of Beef & Pork, for this State, in the place of W^m L. Harrington resigned. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. Rec^d. from the House for concurrence, in passing, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the Auditor of accounts against this State be authorized to settle and audit the accounts of the Quarter Master General up to this time";—Which was read, Whereupon, *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary inform the House of such concurrence.

Rec^d. a written message from the Speaker of the House of Representatives, inviting the Governor and Council to be present at the hearing, before that body, on the petition of Norman Cleaveland ; Which was read, Whereupon, *Resolved* that the Governor and Council will attend in the House of representatives, during the hearing, before that body, upon the petition of Norman Cleaveland;—and *Ordered*, that the Secretary inform the House accordingly.¹

Rec^d. from the House, for concurrence in the reference, the following, to wit, The remonstrance of John Catlin & others, with an order of reference to the Committee raised on the petition of Joseph Frost;—Whereupon, *Resolved* to concur in said order of reference.

Rec^d. a message from the House of Representatives, by Mr. Royce, one of its members, informing that the House were then ready to proceed to ballot for a Senator to represent this State in the Senate of the United States, for the term of six years from & after the third day of March next, pursuant to the concurrent resolution of both Houses. Whereupon, *Ordered* that the Secretary inform the House of Representatives

¹ Dr. Norman Cleaveland had been convicted of murder and sentenced to be hung, for accidentally causing the death of Hannah Rose in an attempt to procure an abortion. His character had been good previously, and the Legislature commuted his punishment to imprisonment in the state prison for five years.



*I am very respectfully,
Your Obedient. Servt.
Saml. Prentiss.*

that the Governor and Council are now ready on their part, to proceed to ballot for a Senator, to represent this State in the Senate of the United States, for the term of six years from and after the third day of March next. Rec^d. a message from the House of Representatives, by Mr. Upham of Montpelier, one of its members, informing that the House had, on its part, elected a person to represent this State in the Senate of the United States, for the term of six years from & after the third day of March next, and that the House were then ready to meet the Governor and Council, in the representatives' room, to compare the proceedings of the two Houses and complete said election. The Governor and Council proceeded, agreeably to the joint resolution of both Houses, to ballot for a person to represent this State in the Senate of the United States, for the term of six years from & after the third day of March next, and the ballots having been taken, sorted and counted, Samuel Prentiss had a majority of all the votes, and was duly elected on the part of the Governor and Council. Ordered, that the Secretary inform the House of representatives, that the Governor and Council have, on their part, elected a person to represent this State in the Senate of the United States, for the term of six years from and after the third day of March next, and that they will immediately attend in the Representatives' room, to compare the proceedings of the two Houses and complete said election. The Governor and Council proceeded to the Representatives' room, where the journals of the proceedings of the two Houses were compared, and it appearing that both Houses had united in the election of Samuel Prentiss, he was declared duly elected a Senator, to represent this State, in the Senate of the United States, for the term of six years from & after the third day of March next, and proclamation was thereof made by the Sheriff of Washington County;—after which the Governor and Council returned to their Chamber.¹

¹ SAMUEL PRENTISS was descendant from an English family, traceable by official records as far back as 1318. He was sixth in direct descent from Capt. Thomas Prentiss, who was born in England about 1620, settled in Newton, Mass., in 1652, and was an officer of high reputation in the war with the Indian King Philip. Senator Prentiss was born in Stonington, Conn., March 31, 1782, son of Doct. Samuel Prentiss, who was a surgeon in the army of the revolution. Brought to Northfield, Mass., his youthful years were spent there, and there also he had the advantage of a course of classical studies under the care of the Rev. Samuel C. Allen, who subsequently filled many important public offices with distinction. At the age of nineteen, Mr. Prentiss entered the office of Samuel Vose of Northfield as a law student, and subsequently entered the office of John W. Blake of Brattleborough, where he completed his preparatory studies and in Dec. 1802 was admitted to the bar. In 1803 Mr. Prentiss settled in Montpelier, where he spent his life. Although he early won an extensive practice at the bar, he was during his whole life a thorough and industrious student of the law in his office during the hours of the day not required for business, and of the best literature of the English language in the evenings at his home. Always a student, he acquired a complete knowledge of the law, and acquired also a clear and pure style in speech and composition, both of which

The petition of Milo Pomeroy, a convict in the State prison, was taken up, and the question, "Shall a pardon be granted the said Milo Pomeroy?" was determined in the affirmative.—Yeas 11. Nays 1. Those, who voted in the affirmative, were—The Lieut. Governor, Messrs. Allen, Clark of Windham County, Deming, Harris, Hoyt, Hunter, Jones, Pierpoint, Thompson & Worthington. The member, voting in the negative, was Mr. Clark of Bennington County. The petition of Joel Cranch, a convict in the State prison, was taken up, and the question, "Shall the said Joel Cranch be discharged from the State prison?" was determined in the affirmative;—Yeas 8. Nays 3. Those, who voted

made him a great lawyer, a great judge, and an admirable advocate. Probably no judge in New England of his time acquired a higher reputation; and as Senator, though exceedingly modest and never pushing himself unnecessarily into debate, he was the peer and associate of the most brilliant men in a body which for ability and dignity was unsurpassed by any like body in the world. On the bankrupt act of 1840, Senator Prentiss went against every Senator but one of his party, in an argument which John C. Calhoun declared to be the clearest and most unanswerable which he had heard for years. It was an argument for perfect honesty and integrity between debtor and creditor, not only because demanded by the highest legal and moral principles, but also by the soundest public policy. An old citizen of Vermont, who has been honored by high offices, has religiously preserved a copy of that speech, and he reads it annually. In politics Mr. Prentiss was a Federalist, and during the most of his residence in Vermont he was in the minority, in both his town and county; nevertheless his pure character and great abilities were fully recognized and honored. He represented Montpelier in the Legislatures of 1824 and '25, and was the author of a reform in the judicial system of the state, which has been maintained until this day. He was elected an Assistant Judge of the Supreme Court in 1822, but declined the office on account of the pressing demands of a very large family. In 1826, however, he consented to accept that office, and he held it until 1829, when he was elected Chief Justice. In 1830 he was elected United States Senator, on the first ballot, by a Legislature which did not have a majority politically in accord with him. He was again elected in 1836, and held the office until the death of the venerable Elijah Paine, Judge of the U. S. Court for the District of Vermont, in 1842, when Judge Prentiss was appointed to succeed him, and resigned his seat in the Senate for that purpose. This office he held and adorned until his death, on the 15th of January, 1857. It was the fortune of the writer of this notice to be a student for some time in the office of Judge Prentiss, and a witness of his quiet and dignified bearing, and his eminently studious and strictly methodical habits. He had ten sons and one daughter, the latter dying in infancy. All the sons but one adopted the law as a profession, and the oldest living son, Samuel B., is a Judge of the Superior Court of Ohio. Six of the sons are still [1879] living, but none of them reside in Vermont—the western States having taken it.

in the affirmative, were, the Lieutenant Governor, Messrs. Clark of Windham County, Deming, Hoyt, Janes, Pierpoint, Thompson & Worthington. Those, who voted in the negative, were, Messrs. Allen, Clark of Bennington County & Harris.

Adjourned to 9 o'clock to-morrow morning.

FRIDAY Oct^r 22, 1830. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. The petition of Asaph Fletcher, jr., for the pardon of Joshua Davis, a prisoner, confined in the common jail in Woodstock, in the County of Windsor, on a conviction for an assault, was taken up, and the question "Shall a pardon be granted the said Joshua Davis?" was determined in the affirmative. Yeas 7. Nays 0. Those, who voted in the affirmative, were—the Lt Governor, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Hoyt, Janes and Pierpoint.

Rec^d from the House, for concurrence in the reference, The petition of Asa Tenney & others, with an order of reference thereon to a committee of four members of the House of representatives, to join from Council. Whereupon *Resolved* to concur in said order of reference and Mr. Harris was appointed from Council.

On motion of Mr. Pierpoint, it was *Ordered* that the Secretary be directed to procure for the Governor, Lieut^t Governor and each of the Councillors, two weekly newspapers, such as they shall severally direct, during the session of the Legislature.

Rec^d from the House, for concurrence in the reference, the following, to wit, "An act to incorporate the Manchester South Fire Company," with an order of reference thereon to the Committee raised on the bill to incorporate the Danville Fire Society; *also*, "An act in addition to an act, entitled 'an act for the punishment of High crimes & misdemeanors,'" with an order of reference thereon to the Judiciary Committee; — *Also*, "An act in alteration of an act to incorporate the Connecticut River Steamboat Company," with an order of reference thereon to the Com^{rs} on roads & canals. *Also*, "An act in addition to an act to provide for the support of common schools," and "An act repealing an act therein mentioned," with an order of reference on each to the Committee on Education; *Also*, The petition of Elisha Barney & others, with an order of reference thereon to the Committee to be raised on the petition of Peter Sax & others, Whereupon, *Resolved* to concur in said several orders of reference. Rec^d also, for concurrence in the reference, The petition of John Leonard and others, with an order of reference thereon to a committee of two members of the House of representatives, to join from Council. Whereupon, *Resolved* to concur in said order of reference, and Mr. Hunter was appointed from Council.

Rec^d from the House, for concurrence in passing, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the members from the County of Chittenden be a committee to inquire into the expediency of dividing the County of Chittenden into two probate districts, and that they have leave to report by bill or otherwise," which was read, Whereupon, *Resolved* to concur in passing said resolution, and Mr. Thompson was appointed from Council.

The Governor and Council attended, in pursuance of the invitation of the House, in the Representatives' room, during proceedings of that body, upon the report of the Committee upon the petition of Norman Cleavland; — after which they returned to their Chamber. Adjourned to 2 o'clock P. M.

2 o'CLOCK P. M.—The Governor and Council met agreeably to adjournment, and proceeded to the representatives' room to attend, during the further proceedings of that body upon the report of the Committee upon the petition of Norman Cleavland ;—after which they returned to their Chamber. Adjourned to 9 o'clock to morrow morning.

SATURDAY, Oct. 23, 1830. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. Rec^d from the House, for concurrence in passing, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the General Committee be instructed to inquire into the expediency of establishing County poor houses and to report by bill or otherwise," which was read, Whereupon, *Resolved* to concur in passing said resolution. Rec^d also, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the Committee on Education be instructed to inquire into the expediency of repealing so much of the third section of an act, entitled 'an act to provide for the support of common schools,' as provides for the appointment of a superintending Committee, and point out their duties and the consequences connected therewith, and to report by bill or otherwise," which was read, Whereupon, *Resolved* to concur in passing said resolution. Rec^d also, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the judiciary Committee be instructed to inquire into the expediency of repealing so much of an act, passed Nov. 12. 1822, in relation to Usury, as makes the principal and legal interest void, and to report by bill or otherwise," which was read, Whereupon, *Resolved* to concur in passing said resolution. Rec^d also, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the Committee of Ways & Means be instructed to inquire into the expediency of altering the act, entitled 'an act ascertaining the principles on which the list of this State shall be made, and directing listers in their office and duty,' passed Nov. 17. 1825, so that all the unimproved lands, lying in the several organized towns in this State, shall be appraised at the true value thereof in money, and set in the list of such towns, at a certain rate, *per cent.*; and, also, to take into consideration the expediency of so altering said act, that it shall be the duty of the listers of the several towns, annually, some time in the month of April, to inspect all the personal property, owned by the several inhabitants of their respective towns, which is liable to pay taxes, and take lists thereof, in lieu of the manner, in which the lists of such property is [are] now taken, and report by bill or otherwise." Which was read, Whereupon, *Resolved* to concur in passing said resolution. Rec^d also, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that so much of His Excellency's Speech, as relates to abolishing imprisonment for debt, be referred to the Committee of Insolvency," which was read. Whereupon, *Resolved* to concur in passing said resolution. Rec^d also, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the Land Tax Committee be instructed to inquire into the expediency of altering the several laws in relation to particular land taxes," which was read, Whereupon, *Resolved* to concur in passing said resolution.

Rec^d for concurrence in the reference, the following, to wit, The petition of John Carey & others, "An act appointing a collector in the town of Washington," and "An act regulating judicial proceedings," with an order of reference on each to the judiciary Committee;—Also, "An act

for the relief of the town of Washington," with an order of reference thereon to the Committee on roads and canals;—*Also*, The petition of Obed Johnson & others, and The petition of Oliver Ingham, with an order of reference on each to the Land Tax Committee. Whereupon, *Resolved* to concur in said several orders of reference. *Rec^d also*, for concurrence in the reference, the following, to wit, "An act to preserve fish in Hinesburgh Pond," with an order of reference thereon to a committee of two members of the House of representatives to join from Council;—Whereupon, *Resolved* to concur in said order of reference, and Mr. Thompson was appointed from Council. *Also*, The petition of Peter Sax & others, with an order of reference thereon to a Committee of two members of the House of representatives, to join from Council;—Whereupon, *Resolved* to concur in said order of reference and Mr. Hoyt was appointed from Council. *Rec^d also*, The petition of Robert Ransom & others, with an order of reference thereon to a committee of four members of the House of representatives, to join from Council, Whereupon, *Resolved* to concur in said order of reference and L^t Gov. Richards was appointed from Council. *Also*, "An act annexing the town of Mansfield in the County of Chittenden, to Washington County, and for other purposes," with an order of reference thereon to a committee of 4 members of the House of representatives, to join from Council;—Whereupon, *Resolved* to concur in said order of reference and Mr. Thompson was appointed from Council.

The House sent up, for concurrence, the following resolution, to wit, "Resolved, that the members from Orleans County, to join from Council, be a committee to inquire into the expediency of dividing the probate district of Orleans, and that they report by bill or otherwise," which was read,—Whereupon, *Resolved* to concur in passing said resolution, and Mr. Allen was appointed from Council.

The petition of Ira Batchelder, a convict in the State prison, was taken up, and on motion of Mr. Thompson, *Ordered* to be dismissed. The petitions of Stephen Gary, Thomas Davidson, William Gould, Humphrey Hughes, Jabez P. Holden, George H. Judd, William Loucks, Joseph Little, William C. Lee, Simon Morriss, Cornelius Monroe, John M^cConnel, Patrick Fitz Patrick and Elijah Pratt, convicts in the State prison, were severally taken up, and *Ordered* to be dismissed. The petition of William Fitz Patrick, a convict in the State prison, was taken up, and the question, "Shall the said William Fitz Patrick be discharged upon condition of his leaving the State within sixty days?" was put and determined in the affirmative—Yeas 9, Nays 0. Those, who voted in the affirmative, were The L^t Governor, Messrs. Clark of Bennington County, Clark of Windham County, Deming, Harris, Hoyt, Hunter, Thompson & Worthington. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. The House sent up for revision & concurrence or proposals of amendment, an engrossed bill, entitled "An act for the relief of Norman Cleavland," which was read, Whereupon, *Resolved* to concur in passing said bill, and *Ordered* that the Secretary inform the House of such concurrence.

The petition of Zadock Wilson, a convict in the State prison, was taken up, and the question, "Shall the said Zadock Wilson be discharged from the State prison?" was determined in the affirmative—Yeas 10, Nays 0. Those, who voted in the affirmative, were The L^t Governor, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Deming, Harris, Hoyt, Hunter, Thompson and Worthington. The petition of Thomas Williams, a convict in the State prison, was taken up,

and the question, "Shall the said Thomas Williams be discharged from the State prison?" was determined in the affirmative by the casting vote of His Excellency, the Governor, the members of the Council being equally divided, the Lt Governor, and Messrs. Deming, Harris, Hunter & Worthington voting in the affirmative, and Messrs. Allen, Clark of Bennington County, Clark of Windham County, Hoyt & Thompson, voting in the negative. Adjourned to 9 o'clock Monday morning.

MONDAY Oct^r 25, 1830. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. The House sent up, for concurrence in the reference, the following, to wit. Report of the Committee to appraise & inventory the property of the Vermont State prison; Report of the Superintendent of the Vermont State prison; Report of the Commissioners for erecting a new wing or prison at the State prison; Exhibit of amount of property at the Vermont State prison, and The petition of Allen Vail & others, with an order of reference on each to the Committee of Ways & Means; Also "An act to repeal certain parts of an act therein mentioned"; with an order of reference thereon to the Committee on Military affairs;—Also, "An act for the benefit of Nathan White," and Account of the town of Middlebury against the State, disallowed by the Auditor & referred to the Gen^l Assembly; with an order of reference on each to the Committee of claims;—Also, The memorial of Daniel Boardman, on the subject of land taxes;—Remonstrance of Inhabitants of Ludlow ag^t a land tax;—The petition of John W. Chandler & others; and The petition of Selectmen of Troy; with an order of reference on each to the Land Tax Committee; Also, A communication from His Excellency the Governor, transmitting Communications from the Executives of the States of Georgia & Connecticut, on [the] subject of the amendment of the Constitution of the United States;—with an order of reference thereon to the judiciary Committee; Also The petition of Manasses Litch & others, and The petition of Selectmen of Windham;—with an order of reference thereon to the Committee on Education;—Also, "An act annexing Woodbury to the County of Washington," with an order of reference thereon to the Committee raised on the bill to annex the town of Mansfield to the County of Washington;—Also. The petition of the President, Directors and Company of the Bank of Windsor, with an order of reference thereon to the committee to be raised on the petition of the President, Directors & Company of the Bank of Burlington; Whereupon, *Resolved* to concur in said several orders of reference.

Rec^d from the House for concurrence, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that both Houses meet in the representatives' room, at ten o'clock on Tuesday morning next, for the purpose of electing judges of the Supreme Court;—which was read, and *Ordered* to lie on the table. Rec^d. also, for concurrence, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the judiciary Committee be instructed to inquire whether any, and, if any, what alterations are necessary in the laws of this State, for the support of the Gospel, and particularly in relation to such religious societies, as were organized and held real estate previous to the passing the act of 1814 on that subject"; which was read, Whereupon, *Resolved* to concur in passing said resolution. Rec^d. also, for concurrence, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the judiciary Committee be instructed to inquire into the propriety of providing, by law, for the revo-

cation of the powers of executors and administrators, who reside without this State," which was read;—Whereupon, *Resolved* to concur in passing said resolution. Rec^d also, for concurrence, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the judiciary Committee be instructed to inquire into the expediency of so altering the judiciary law, that a person held to trial on a bill of Indictment, complaint or information, and, on such trial, it shall be made to appear, that he was not guilty of the offence alleged against him, that the respondent shall be entitled to his cost; and report by bill, or otherwise," which was read;—Whereupon, *Resolved* to concur in passing said resolution. Rec^d also, for concurrence, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the Committee of Ways and Means be directed to inquire into the expediency of appropriating such a sum of money, as they, after having made due inquiry, may deem necessary to defray the expense of all such, as the board of Commissioners, appointed for that purpose, may approbate and designate, as objects of the State's bounty, and who are desirous of receiving the benefits of education, offered by the American Asylum, established in the City of Hartford, in the State of Connecticut, for the education of the deaf & dumb;" which was read;—Whereupon, *Resolved* to concur in passing said resolution.

The petition of Daniel Mack, a prisoner, confined in the common jail in the County of Washington, on a sentence of Washington County Court, at their May Term 1830, that he pay a fine of five dollars and costs of prosecution, on a conviction before said Court, for stealing, and that he stand committed till such sentence be complied with, was taken up, and the question, "Shall said fine and costs be remitted?" was determined in the affirmative—Yeas 11, Nays 0. Those, who voted in the affirmative, were, The Lieut. Governor, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Deming, Harris, Hoyt, Hunter, Pierpoint, Thompson and Worthington. The petition of Caleb R. Gillett, a convict in the State prison, was taken up, and the question put "Shall the said Caleb R. Gillett be discharged from the State prison?" and decided in the affirmative. Yeas 11, Nays 0. Those, who voted in the affirmative, were, The L^t Governor, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Deming, Harris, Hoyt, Hunter, Pierpoint, Thompson and Worthington. The petition of Hezekiah Shepherd, a convict in the State prison, was taken up and the question being put "Shall the said Hezekiah Shepherd be discharged from the State prison?" it was determined in the affirmative—Yeas 12, Nays 0. Those, who voted in the affirmative, were, The L^t Governor, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Deming, Harris, Hoyt, Hunter, Janes, Pierpoint, Thompson and Worthington. The petition of Cornelius Smith, a convict in the State prison, was taken up, and the question being put, "Shall the said Cornelius Smith be discharged from the State prison," it was determined in the affirmative. Yeas 12, Nays 0. Those, who voted in the affirmative, were, The L^t Governor, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Deming, Harris, Hoyt, Hunter, Janes, Pierpoint, Thompson & Worthington. The petition of George Williams, a convict in the State prison, was taken up, and the question being put, "Shall the said George Williams be discharged from the State prison?" it was determined in the affirmative. Yeas 7, Nays 5. Those, who voted in the affirmative, were, Messrs. Clark of Windham County, Deming, Hoyt, Hunter, Janes, Thompson and Worthington. Those, who voted in the negative, were, the L^t Governor, Messrs. Allen, Clark of Bennington County, Harris and Pierpoint. The petition of Charles J.

Downie, a convict in the State prison, was taken up, and, on motion, *Ordered* to be dismissed. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. The petitions of William Davis, Horace Wheeler, Zalmou Shipley, Hiram Lee, Michael Lillis, J. P. Downing, James Converse, Moses Clough and John Bean, convicts in the State prison, were taken up, and, severally, *Ordered* to be dismissed. The petition of Israel W. Freeman, a convict in the State prison, was taken up, and the question having been put, "Shall the said Israel W. Freeman be discharged from the State prison?" it was determined in the affirmative—Yeas 9. Nays 2. Those, who voted in the affirmative, were, The L^t Governor, Messrs. Allen, Clark of Windham County, Deming, Hoyt, Janes, Pierpoint, Thompson & Worthington. Those, who voted in the negative, were Messrs. Clark of Bennington County and Harris. The petition of Elliot C. Hills, a convict in the State prison, was taken up, and the question having been put, "Shall the said Elliot C. Hills be discharged from the State prison?" it was determined in the affirmative. Yeas 11. Nays 0. Those, who voted in the affirmative, were, The L^t Governor, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Deming, Harris, Hoyt, Janes, Pierpoint, Thompson and Worthington. The petition of George Johnson, a state prison convict, was taken up, and the question having been put, "Shall the said George Johnson be discharged from the State prison?" it was determined in the affirmative. Yeas 11. Nays 0. Those, who voted in the affirmative, were, The L^t Governor, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Deming, Harris, Hoyt, Janes, Pierpoint, Thompson and Worthington. The petition of Baptiste Crumas, a convict in the State prison, was taken up, and the question having been put, "Shall the said Baptiste Crumas be discharged from the State prison?" it was determined in the affirmative. Yeas 7. Nays 4. Those, who voted in the affirmative, were, The L^t Governor, Messrs. Clark of Bennington County, Clark of Windham County, Deming, Hoyt, Janes, and Thompson. Those, who voted in the negative, were, Messrs. Allen, Harris, Pierpoint and Worthington. The petitions of Daniel Sartwell, Stephen Sweetzer, Richard Shippey, William Utter, Rhoda Sanborn, Daniel Witherell, Richard Weare and Jesse Shippee, convicts confined in the State prison, were taken up and severally *Ordered* to be dismissed. Adjourned to 9 o'clock tomorrow morning.

TUESDAY Oct. 26, 1830. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. The resolution, yesterday laid on the table, assigning a time for the meeting of both Houses for the election of Judges of the Supreme Court, was taken up, Whereupon, *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary inform the House of such concurrence.

The House sent up, for concurrence, the following resolution, to wit, "Resolved that the judiciary Committee be instructed to inquire into the expediency of passing a law authorizing creditors to bring trustee suits against the trustees of their debtors, although such debtors may not have absconded, nor concealed their bodies, and report by bill or otherwise"; which was read;—Whereupon, *Resolved* to concur in passing said resolution. Rec^d also, for concurrence, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the Committee on Agriculture be instructed to inquire into the expediency of altering the law, regulating the inspection of beef and

pork, so as to reduce the expense of inspection," which was read; Whereupon, *Resolved* to concur in passing said resolution. *Rec^d also*, for concurrence, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the General Committee be instructed to inquire into the expediency of passing an act, fixing a bounty for the destruction of crows, to be paid by the state or several town treasurers, and report by bill or otherwise"; which was read;—Whereupon, *Resolved* to concur in passing said resolution. *Rec^d also*, for concurrence, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that both Houses meet in the representatives' room, on Thursday next at two o'clock in the afternoon, for the purpose of electing a person to preach the next election sermon, a Surveyor General for the State, and an Auditor of accounts against the State, for the year ensuing"; which was read and *Ordered* to lie on the table.

The House sent up, for concurrence in the reference, the following, to wit, The petition of Paul Chase, and The petition of Nathan White; with an order of reference on each to the Committee of claims; *Also*, "An act in addition to and alteration of an act, entitled 'an act appointing notaries public, and declaring their office and duty'"; "An act relating to betterments," and "An act in addition to an act entitled 'an act allowing endorsees to maintain actions in their own names'"—with an order of reference on each to the judiciary Committee. *Also*, The petition of Nathan E. Fuller and others; and The petition [of] Lovel Bullock; with an order of reference on each to the Committee on roads and canals. *Also*, The remonstrance of Josiah Wood and others; The remonstrance of Alvan Lamb and others; and "An act laying a tax on the lands in Stamford," with an order of reference on each to the Land Tax Committee; Whereupon, *Resolved* to concur in said several orders of reference. *Rec^d also*, The remonstrance of Moses Fisk and others; with an order of reference thereon to the Committee raised on the petition of Antipas Fletcher & others; Whereupon, *Resolved* to concur in said order of reference. *Also*, "An act to establish a corporation by the name of the Trustees of the New Hampshire and Vermont Annual Conference," with an order of reference thereon to a committee of four members of the House of representatives to join from Council; Whereupon, *Resolved* to concur in said order of reference and Mr. Clark of Windham County was appointed from Council. *Rec^d also*, The petition of the President, Directors & Company of the Bank of Burlington, with an order of reference thereon to a committee of four members of the House of representatives to join from Council;—Whereupon, *Resolved* to concur in said order of reference, and Mr. Harris was appointed from Council. *Also*, Communications from the Executives of the States of Ohio, Connecticut, Louisiana, Delaware, Pennsylvania and Mississippi; with an order of reference thereon to a Committee of four members of the House of representatives, to join from Council;—Whereupon, *Resolved* to concur in said order of reference & Mr. Deming was appointed from Council.

The petition of David O. Brine, a convict in the State prison, was taken up, and the question "Shall the said David O. Brine be discharged from the State prison, on condition of leaving the State within 60 days?" was determined in the affirmative. Yeas 12. Nays 0. Those, who voted in the affirmative, were, The Lt Governor, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Deming, Harris, Hoyt, Hunter, Janes, Pierpoint, Thompson and Worthington.

The Governor and Council attended in the representatives' room for

the purpose of electing judges of the Supreme Court, after which they returned to their Chamber.¹

The petition of Daniel M. Colby, for the remission of a fine and costs, on a conviction of Theft, before Washington County Court, at their May Term 1830, was taken up, and the question "Shall said fine & costs be remitted?" was put and determined in the affirmative. Yeas 10. Nays 0. Those, who voted in the affirmative, were, the L^t Governor, Messrs. Allen, Clark of Bennington C^o Clark of Windham C^o Deming, Harris, Hunter, Janes, Thompson and Worthington. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. The Hon. James Davis appeared in the Council Chamber, was duly sworn by the Hon. M^r. Clark of Bennington County, and took his seat as a member of the Council.

The petition of Thomas Dean, a convict in the State prison, was taken up, and the question was put, "Shall the said Thomas Dean be discharged from the State prison on condition of leaving the State within sixty days?" and determined in the affirmative. Yeas 9. Nays 0. Those, who voted in the affirmative, were, The L^t Governor, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Harris, Hunter, Janes, Thompson and Worthington. The petition of Enoch Pillsbury, a convict in the State prison, was taken up, and the question was put, "Shall the said Enoch Pillsbury be discharged from the State prison?" and determined in the affirmative. Yeas 10. Those who voted in the affirmative were, The L^t Governor, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Davis, Harris, Hunter, Janes, Thompson and Worthington. The petition of John Anderson, a convict in the State prison, was taken up, the said Anderson having been sentenced to pay a fine of five hundred dollars, in addition to his confinement, and the question was put "Shall said fine be remitted?" and determined in the affirmative. Yeas 10. Nays 0. Those, who voted in the affirmative, were, The L^t Governor, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Davis, Harris, Hunter, Janes, Thompson and Worthington. The petition of Heman Robinson & others, in behalf of Oliver Hildreth, a prisoner in the common jail in Bennington in the County of Bennington, sentenced, upon a conviction for an assault, to pay a fine of fifty dollars, to the Treasurer of Bennington County, & costs of prosecution, was taken up, and the question was put, "Shall the said fine & costs be remitted?" and determined in the affirmative. Yeas 8. Nays 2. Those, who voted in the affirmative, were, the L^t Governor, Clark of Bennington County, Clark of Windham County, Davis, Hunter, Janes, Thompson and Worthington. Those, who voted in the negative, were, Messrs. Allen and Harris. Adjourned to 9 o'clock tomorrow morning.

WEDNESDAY Oct. 27, 1830. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. M^r. Thompson was, on motion, excused from further service on the Judiciary Committee and M^r. Davis was appointed in his stead. M^r. Thompson was, also, on motion, excused from serving on the committees appointed on the following, to wit, "An act to preserve fish in Hinesburgh pond," and M^r. Worthington was appointed in his stead;—"An act annexing the

¹ Titus Hutchinson, Charles K. Williams, Stephen Royce, Jr., Ephraim Paddock, and John C. Thompson were elected.

town of Mansfield in the County of Chittenden to Washington County, & for other purposes," and M^r. Clark of Windham County was appointed in his stead;—The petition of Aaron S. Beeman & others, and M^r. Davis was appointed in his stead; and The petition of Amos Bliss & others, and M^r. Hoyt was appointed in his stead.

The resolution, yesterday laid on the table, assigning a time for the meeting of both Houses for the election of a person to preach the next election sermon, a Surveyor General, and an Auditor of accounts against the State, for the year ensuing, was taken up and amended by striking out the word "Thursday" and inserting, in lieu thereof, the word "Wednesday," Whereupon, *Resolved* to concur in passing said resolution, as amended, & *Ordered* that the Secretary inform the House of such concurrence.

Rec^d. from the House, for concurrence, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that both Houses meet in the representatives' room, at two o'clock this afternoon, to elect a chaplain for the remaining part of the session, and a superintendant of the Vermont State prison, for the year ensuing," which was read, Whereupon, *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary inform the House of such concurrence. Rec^d. also, for concurrence, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the Committee on Agriculture be instructed to inquire into the expediency of increasing the time, in which rams shall be restrained from going at large, and report by bill or otherwise," which was read,—Whereupon, *Resolved* to concur in passing said resolution. Rec^d. also, for concurrence, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the judiciary Committee be instructed to inquire into the expediency of providing, by law, for the attendance of witnesses, upon criminal trials, in favor of the accused, when it shall be made satisfactorily to appear to the Court, holding such trial, that the accused, from poverty, is unable to compel such attendance," Which was read, Whereupon *Resolved* to concur in passing said resolution. Rec^d. also, for concurrence, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that a Committee of four members of this House be appointed to join such Committee as the Governor and Council may be pleased to appoint, whose duty it shall be to inquire into the expediency of adopting measures to ascertain the true boundary line between the States of Vermont and New Hampshire, & report by bill or otherwise," which was read—Whereupon, *Resolved* to concur in passing said resolution, and L^t. Governor Richards was appointed from Council. Rec^d. also, for concurrence, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the Select men of the several towns in this State, which received arms, distributed under the laws of 1812, 1813, or 1814. be, and they hereby are, directed to make a return of the same, on or before the second Thursday in October next, to the Clerk of the House of representatives, designating, in such return, the number of arms received, as aforesaid, and the number now on hand, and the state of repair, in which the same may be, at the date of such returns," Which was read, Whereupon, *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary inform the House of such concurrence.

Rec^d. from the House, the following, to wit, The petition of the Selectmen of Troy, with an order of the House thereon recommitting the same to the Land Tax Committee—Whereupon *Resolved* to concur in said order of recommitment.

The petition of John Anderson, a convict in the State prison, was

taken up, and the question was put, "Shall the said John Anderson be discharged from the State prison, upon condition of leaving the State within ten days?" and determined in the affirmative. Yeas 7. Nays 4. Those, who voted in the affirmative, were Messrs. Clark of Bennington County, Harris, Hoyt, Hunter, Janes, Pierpoint & Worthington. Those, who voted in the negative, were, The Lt Governor, Messrs. Allen, Clark of Windham County and Davis. On motion of Mr. Harris, the vote of yesterday, remitting the fine in the case of John Anderson, a convict in the State prison, was reconsidered.

Benjamin Swan, Treasurer of the State of Vermont, appeared in the Council Chamber, and presented his official bond, which was approved by the Governor and Council, and he was duly sworn to the faithful execution of the duties of his said office, by His Excellency, the Governor.

Rec^d. a written message from the Speaker of the House of Representatives, informing that the House had concurred in the amendment proposed to the resolution assigning a time for the election of a person to preach the next election sermon, a Surveyor General, and an Auditor of accounts against the State; — Which was read. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. Mr. Pierpoint moved a reconsideration of the vote of the 25th Instant, dismissing the petition of Horace Wheeler, a convict in the State prison, and said motion having been put, it was determined in the negative. The petition of R. Washburn & others, in behalf of Joseph R. Clark, a prisoner, confined in the common jail in Chelsea, in the County of Orange, upon a sentence of Orange County Court, to pay a fine of twenty dollars and costs of prosecution, on a conviction before said court for an assault, was taken up, and the question was put "Shall said fine and costs be remitted?" and determined in the affirmative. Yeas 10. Nays 2. Those, who voted in the affirmative, were, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Harris, Hoyt, Hunter, Janes, Pierpoint, Thompson and Worthington. Those, who voted in the negative, were, The Lt Governor and Mr. Davis.

The Governor and Council attended in the representatives' room, agreeably to the joint resolution of both Houses, for the election of a chaplain for the remaining part of the session, a Superintendent of the Vermont State prison, a person to preach the next election sermon, a Surveyor General, and an Auditor of accounts against the State. After which, they returned to their chamber.¹

Mr. Clark of Windham County moved the reconsideration of the vote of the 25th Instant, dismissing the petition of Jesse Shippee, a convict in the State prison, and the question being taken upon reconsidering said vote, it was determined in the negative. The petition of Cyrus Scales, a convict in the State prison, was taken up, and the question was put, "Shall the said Cyrus Scales be discharged from the State prison?" and determined in the negative. Yeas 4. Nays 5. Those, who voted in the affirmative, were, The Lieu^t. Governor, Messrs. Allen, Clark of Windham County and Worthington. Those, who voted in the negative, were Messrs. Clark of Bennington County, Davis, Harris, Hunter and

¹ The following elections were made: Rev. Chester Wright, Chaplain; John H. Cotton, Superintendent of the State Prison; Rev. Leland Howard, to preach the next election sermon, and Rev. Hadley Procter substitute; John A. Pratt, Surveyor General; and David Pierce Auditor.

Janes. Said petition was then *Ordered* to be dismissed. Adjourned to 9 o'clock to-morrow morning.

THURSDAY Oct. 28, 1830. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. Rec^d from the House, for concurrence in the reference, the following, to wit, The petition of Silas Sears & others; "An act in relation to County Treasurers," with an order of reference on each to the judiciary Committee;—Rec^d also, The petition of Mark Dodge, with an order thereon discharging the Committee of Claims therefrom & referring the same to the judiciary Committee;—Also "An act in addition to the several acts defining the powers of justices of the peace,"—and "An act regulating the direction of writs,"—with an order of reference on each to the judiciary Committee. Also, "An act, directing the Treasurer to credit Joseph Weeks the sum therein mentioned," with an order of the House thereon discharging the Committee of Claims thereon, and referring the same to the Committee of Ways and Means;—Also, The petition of Lyman Watts;—"An act directing the Treasurer to pay James Davis the sum therein mentioned"; and "An act directing the Treasurer of the State to pay Stephen Haight the sum therein mentioned"; with an order of reference on each to the Committee of Claims. Also, "An act in alteration of an act entitled 'An act regulating particular land Taxes'"; with an order of reference thereon to the Land Tax Committee; Also, "An act granting to William Stephenson the exclusive right of keeping a ferry," with an order of reference thereon to the Com^{rs} on the petition of Abel Phelps;—Also, The petition of Thomas Waterman and others, with an order of reference thereon to the Committee to be raised on the bill entitled "An act constituting a new County by the name of Lamoille." Also, The petition of Charles Whittemore & others; with an order of reference thereon to the committee last mentioned;—Whereupon, *Resolved* to concur in said several orders of reference. Rec^d also, The petition of Levi Tolles & others; with an order of reference thereon to a Committee of two members of the House of representatives, to join from Council;—Whereupon, *Resolved* to concur in said order of reference, and Mr. Hunter was appointed from Council.

Rec^d from the House for concurrence, the following resolution, to wit, "Resolved, that the Judiciary Committee be instructed to inquire into the expediency of providing for the appointment of Registers of Probate by the Legislature," Which was read, Whereupon, *Resolved* to concur in passing said resolution. Rec^d also, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the Committee on claims be instructed to examine the account of James A. Paddock Esq^r for his services and expenses, in examining the outlet of Lake Memphremagog, and report by bill or otherwise," which was read, Whereupon, *Resolved* to concur in passing said resolution. Rec^d from the House, for revision & concurrence or proposals of amendment, the following engrossed bill, to wit, "An act repealing an act therein mentioned," which was read, Whereupon, *Resolved* to concur in passing said bill, and *Ordered* that the Secretary inform the House of such concurrence. Rec^d also, for revision & the following engrossed bill, to wit, "An act to repeal an act incorporating the Grand Lodge of the State of Vermont, and an act incorporating the Grand Chapter of the State of Vermont," which was read;—Whereupon, *Resolved* to concur in passing said bill, and *Ordered* that the Secretary inform the House of such concurrence. Rec^d also, for revision & an engrossed bill, entitled "An act

laying a tax on the lands in Montgomery," Which was read;—Whereupon, *Resolved* to concur in passing said bill, and *Ordered* that the Secretary inform the House of such concurrence. Rec^d. also, for revision &c. an engrossed bill, entitled "An act laying a tax on the lands in Moretown," Which was read;—Whereupon, *Resolved* to concur in passing said bill, and *Ordered* that the Secretary inform the House of such concurrence. Rec^d. also, for revision, &c. an engrossed bill, entitled "An act laying a tax on the lands in Victory," which was read & amended by striking out the word "Orleans," and inserting, in lieu thereof, the word "Essex," and Mr. Pierpoint was appointed to prepare reasons for said amendment, who forthwith reported the following, to wit, "That the land lies in Essex County," which was adopted, Whereupon, *Resolved* to concur in passing said bill, as amended, and *Ordered* that the Secretary inform the House of such concurrence, and return said bill to the House with the reasons aforesaid.

The petition of Lewis Baldwin, a convict in the State prison, was taken up, and *Ordered* to be dismissed.

The Governor and Council attended in the representatives' room for the further appointment of County officers, after which they returned to their Chamber. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. The petition of John Billington, a convict in the State prison, was taken up, and the question was put, "Shall the said John Billington be discharged from the State prison?" and determined in the negative—Yeas 4. Nays 7. Those, who voted in the affirmative, were, The Lt. Governor, Messrs. Clark of Bennington County, Clark of Windham County, & Hoyt. Those, who voted in the negative, were, Messrs. Allen, Davis, Harris, Hunter, Janes, Pierpoint and Worthington.

The petition of Edward Welch, a convict in the State prison, was taken up and the question "Shall the said Edward Welch be discharged from the State prison?" was determined in the affirmative. Yeas 11. Nays 0. Those, who voted in the affirmative, were The Lt. Governor, Messrs. Allen, Clark of Bennington Co. Clark of Windham Co. Davis, Harris, Hoyt, Hunter, Janes, Pierpoint & Worthington. The petition of Jeremiah Bradley, a convict in the State prison, was taken up, and the question was put, "Shall the said Jeremiah Bradley be discharged from the State prison?" and determined in the affirmative. Yeas 7. Nays 4. Those, who voted in the affirmative, were, The Lt. Governor, Messrs. Clark of Windham County, Harris, Hoyt, Janes, Pierpoint & Worthington. Those, who voted in the negative, were Messrs. Allen, Clark of Bennington County, Davis & Hunter. The petitions of Jacob Allen, Elijah W. Bennett, Elisha Hyde, Manley A. Beach, Peter Bollio, & Stephen Coates, convicts in the State prison, were severally taken up, and *Ordered* to be dismissed. Adjourned to 9 o'clock, tomorrow morning.

FRIDAY Oct. 29, 1830. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. Rec^d. from the House for concurrence in the reference, the following, to wit, The petition of James Dwyer & Adolphus Paul, with an order of reference thereon to the Committee of Claims, Whereupon *Resolved* to concur in said order of reference.

Rec^d. for revision &c. an engrossed bill, entitled "An act providing a compensation to the Hon. Bates Turner, late judge of the Supreme Court,"—which was read, Whereupon, *Resolved* to concur in passing

said bill, and *Ordered* that the Secretary inform the House of such concurrence.

Rec^d for concurrence, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the judiciary Committee be instructed to inquire into the expediency of so altering or amending the law respecting serving and returning writs, issued by justices of the peace, as to make it the duty of all officers, serving such writs, to return them twenty-four hours previous to the time set in them for trial, and report by bill or otherwise," which was read, Whereupon, *Resolved* to concur in passing said resolution. Rec^d also, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the judiciary Committee be instructed to inquire into the expediency of providing by law, for the procurement of copies of the Charters of the several townships in this State, granted by the State of New Hampshire, and placing the same in the office of the Secretary of this State, and allowing copies of the same to be read in evidence in the several courts in this State; and report by bill, or otherwise," which was read;—Whereupon, *Resolved* to concur in passing said resolution. Rec^d also, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the judiciary Committee be instructed to inquire into the expediency of passing a law, empowering Courts, dismissing causes, for want of jurisdiction, to render judgment for costs in favor of the defendant, and award execution accordingly;"—Which was read, Whereupon, *Resolved* to concur in passing said resolution. Rec^d also, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the General Committee be directed to report a bill, relieving the Militia of this State from military duty at the age of forty," Which was read and amended by striking out the word "report" and inserting the words "inquire into the expediency of reporting;"—Whereupon, *Resolved* to concur in passing said resolution, as amended, and *Ordered* that the Secretary inform the House of such concurrence & amendment. Rec^d also, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that both Houses meet in the representatives' room, on Friday of this week, at three o'clock, in the afternoon, to elect three commissioners, agreeably to an act for the benefit of the deaf and dumb; which was read—Whereupon, *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary inform the House of such concurrence, Rec^d also, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that both Houses meet in the representatives' room, at three o'clock this afternoon, for the purpose of electing Commissioners of Common Schools": which was read;—Whereupon, *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary inform the House of such concurrence.

The petitions of Lavinia Bachelder, Nathaniel Brown, Henry Conney, Jonas Deputrine, Geo. W. Drew, Jeremiah Gould, Lucius Hill, Samuel Harris, John Erwin, William Jones, Ezekiel Odel, Joel B. King, Calvin Mellen, David Older, John Plumley, Thomas J. Severance, and Abner M. Sherman, Convicts in the State prison, were, severally, taken up and *Ordered* to be dismissed.

The petition of John Gould, a convict in the State prison, was taken up, and the question put, "Shall the said John Gould be discharged from the State prison?" and determined in the affirmative. Yeas 8. Nays 0. Those, who voted in the affirmative, were, The L^t Governor, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Hoyt, Janes, Pierpoint and Worthington. The petition of William Hawley, a convict in the State prison, was taken up, and the question

put, "Shall the said William Hawley be discharged from the State prison?" and determined in the affirmative—Yeas 10. Nays 0. Those, who voted in the affirmative, were, The L^t Governor, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Davis, Hoyt, Hunter, Janes, Pierpoint and Worthington. The petition of George Stephens, a convict in the State prison, was taken up and the question put, "Shall the said George Stephens be discharged from the State prison?" and determined in the affirmative—Yeas 9. Nay 1. Those, who voted in the affirmative, were the L^t Governor, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Davis, Hoyt, Janes, Pierpoint and Worthington. The member, voting in the negative, was Mr. Hunter. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. The Governor and Council attended in the representatives' room for the purpose of electing three Commissioners agreeably to the act for the benefit of the deaf and dumb, and a board of Commissioners of Common Schools; after which they returned to their Chamber.¹

Adjourned to 9 o'clock tomorrow morning.

SATURDAY Oct. 30, 1830. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. The House sent up, for concurrence, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that His Excellency be requested to appoint Thursday, the second day of December next, to be observed as a day of public thanksgiving throughout this State;" Which was read;—Whereupon, *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary inform the House of such concurrence.

Rec^d for concurrence in the reference, the following, to wit, "An act directing the Treasurer to pay Joseph Howes the sum therein mentioned," with an order of reference thereon to the Committee of Claims;—*Also*, "An act in addition to the several acts regulating the limitation of actions," and "An act repealing an act entitled 'an act taxing foreign insurance Companies'"; with an order of reference on each to the judiciary Committee; *Also*, The petition of Haines Schoff & others, with an order of reference thereon to the Land Tax Committee; Whereupon, *Resolved* to concur in said several orders of reference. *Also*, "An act constituting a new County, by the name of Lamoille," with an order of reference thereon to a Committee of four members of the House of representatives, to join from Council;—Whereupon, *Resolved* to concur in said order of reference, and Mr. Allen was appointed from Council.

Rec^d *also*, for concurrence in the reference, the following, to wit, "An act repealing an act therein mentioned," with an order of reference thereon to a Committee of four members of the House of representatives to join from Council;—Whereupon, *Resolved* to concur in said order of reference, and L^t Governor Richards was appointed from Council. *Also*, The petition of Charles Marsh and others, and The petition of Jonathan Taylor & others, with an order of reference on each to the judiciary Committee;—Whereupon, *Resolved* to concur in said several orders of reference.

¹The following elections were made: John Smith of St. Albans, Wylls Lyman and John Kellogg, Commissioners of the deaf and dumb; and William Hall, William Page, Jacob Collamer, Benjamin F. Bailey and Ephraim Paddock, School Commissioners.

Rec^d from the House, for revision &c an engrossed bill, entitled "An act for the relief of Charles W. Foster," which was read, Whereupon, *Resolved* to concur in passing said bill, and *Ordered*, that the Secretary inform the House of such concurrence.

Rec^d a written message from the Speaker of the House of representatives, informing that the House had concurred in the amendment proposed by the Governor and Council, to the resolution, directing the General Committee to report a bill "relieving the militia of this State from military duty at the age of forty,"—which was read.

The petition of James Halligan, a convict in the State prison, was taken up, and the question put, "Shall the said James Halligan be discharged from the State prison?" and determined in the affirmative. Yeas 11. Nays 0. Those, who voted in the affirmative, were, the L^t Governor, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Davis, Hoyt, Hunter, Janes, Pierpoint, Thompson and Worthington. The petitions of Jephtha Woodward and Alexander Johnno, convicts in the State prison, were severally taken up, and *Ordered* to be dismissed. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment. Rec^d from the House, "The petition of the Company for rendering Connecticut river navigable by Bellows' Falls,"—with an order thereon that the same be re-committed to the Committee on roads and canals;—*Also*, The Report of the Committee on roads and canals, upon the petition last above mentioned, with a like order of re-commitment thereon,—Whereupon, *Resolved* to concur in said orders of re-commitment. Adjourned to 9 o'clock Monday morning.

MONDAY Nov. 1, 1830. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. The Hon. John C. Thompson, who had been elected one of the assistant Justices of the Supreme Court, for the year ensuing, signified his acceptance of said office, and resigned his seat as a member of the Council.

The House sent up, for concurrence in the reference, the following, to wit, The petition of Lovel Bullock, and "An act in addition to an act, entitled 'an act for the punishment of certain inferior crimes and misdemeanors,' with an order of reference on each to the Judiciary Committee;—*Also*, "An act for encouraging the destruction of foxes in this State," with an order of reference thereon to the Committee on Agriculture; *Also*, The petition of Tyler Bingham & others, and "An act laying a tax on the lands in Franklin," with an order of reference on each to the Land Tax Committee; *Also*, The petition of the town of Ripton, with an order of reference thereon to the Committee on Education. *Also*, "An act in addition to an act, entitled 'an act against disturbing the remains of the dead,' with an order of reference thereon to the General Committee; *Also*, The remonstrance of Daniel S. Shattuck & others, against the passage of a bill repealing an act annexing part of Belvidere to Eden; with an order of reference thereon to the Committee raised on said bill. *Also*, The remonstrance of the Inhabitants of Eden; with the same order of reference thereon, as last mentioned; Whereupon, *Resolved* to concur in said several orders of reference.

Rec^d for concurrence, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the General Committee be instructed to inquire into the expediency of so altering or amending the law, relative to weights and measures, passed Mar. 8. 1797, so that

cast iron weights may be used as town standards, in lieu of brass, as is now provided by law, and report by bill or otherwise," which was read; Whereupon, *Resolved* to concur in passing said resolution. Rec^d also, for concurrence, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the Committee on roads and canals be instructed to inquire into the present situation of the Passumpsick Turnpike, the amount of tolls received at the gates, the number of gates, the cost and value of the stock, and whether the road is supported and kept in repair by the Corporation, or whether it is repaired by the towns, through which it passes, and report the facts to the Legislature"; which was read, Whereupon, *Resolved* to concur in passing said resolution.

The House sent up for revision &c an engrossed bill, entitled "An act providing a compensation to the Superintendent of the State prison"; Which was read; Whereupon, *Resolved* to concur in passing said bill. Rec^d also, for revision &c an engrossed bill, entitled "An act to repeal an act, entitled 'an act to preserve the fish in the Waters of Bristol,'" Which was read; — Whereupon, *Resolved* to concur in passing said bill. Rec^d also, for revision &c an engrossed bill, entitled "An act laying a tax on the lands in Topsham," which was read; — Whereupon, *Resolved* to concur in passing said bill. Rec^d also, for revision &c an engrossed bill, entitled "An act laying a tax on the lands in Stamford," which was read; Whereupon, *Resolved* to concur in passing said bill. Rec^d also, for revision &c an engrossed bill, entitled "An act laying a tax on the lands in Waterville," Which was read; — Whereupon, *Resolved* to concur in passing said bill. Rec^d also, for revision &c an engrossed bill, entitled "An act laying a tax on the lands in Groton and Harris Gore," which was read; Whereupon, *Resolved* to concur in passing said bill. Rec^d also, for revision &c an engrossed bill, entitled "An act laying a tax on the lands in Stratton"; which was read; Whereupon, *Resolved* to concur in passing said bill. Rec^d also, for revision &c an engrossed bill, entitled "An act laying a tax on the lands in Worcester," which was read; — Whereupon, *Resolved* to concur in passing said bill. Rec^d also, for revision &c an engrossed bill, entitled "An act granting a ferry to Joseph Frost," which was read; — Whereupon, *Resolved* to concur in passing said bill. Rec^d also, for revision &c an engrossed bill, entitled "An act granting a ferry to John Knight, jr.," which was read; — Whereupon, *Resolved* to concur in passing said bill. Rec^d also, for revision &c an engrossed bill, entitled "An act granting a ferry to Abel Phelps," which was read; — Whereupon, *Resolved* to concur in passing said bill. Rec^d also, an engrossed bill, entitled "An act granting a ferry to John Rogers," which was read; — Whereupon, *Resolved* to concur in passing said bill. Rec^d also, for revision &c an engrossed bill, entitled "An act repealing an act therein mentioned," which was read; — Whereupon, *Resolved* to concur in passing said bill. Rec^d also, for revision &c an engrossed bill, entitled "An act, legalizing the proceedings of the Burlington Fire Company," which was read; — Whereupon, *Resolved* to concur in passing said bill. Rec^d also, for revision &c an engrossed bill, entitled "An act to incorporate a steam engine Company in Alburgh," which was read; — Whereupon, *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the concurrence of the Governor and Council in the passage of the fifteen bills last mentioned. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment, & Adjourned to 9 o'clock tomorrow morning.

TUESDAY Nov. 2, 1830. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. Rec^d from the House, for concurrence, the following resolution, to wit, "In General Assembly, Nov. 1, 1830. Resolved, the Governor and Council concurring herein, that both Houses meet in joint committee, in the representatives' room, at ten o'clock, to-morrow morning, for the purpose of electing three directors of the Vermont State Bank, and a committee to inspect the several banks in this State," which was read,—Whereupon, Resolved to concur in passing said resolution, and Ordered that the Secretary inform the House of such concurrence. Rec^d also for concurrence, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that Jedediah H. Harris, of Strafford, and William Steele, of Sharon, be and hereby are appointed a Committee to attend at the State prison in the month of September next, to make an appraisal and inventory of all the property belonging to said prison, and also to settle with the Superintendant, and investigate all the accounts of said prison, and report to the next Session of the Legislature"; which was read;—Whereupon, Resolved to concur in passing said resolution, and Ordered that the Secretary inform the House of such concurrence. Rec^d also, for concurrence, the following resolution, to wit, "Resolved, The Governor and Council concurring herein, that one member from each of the Counties of Windham, Windsor, Orange, Caledonia and Essex, be appointed a Committee to join from the Council, whose duty it shall be to inquire what charters of incorporation have been given, and whether by the Legislature of this State or that of New Hampshire, incorporating companies for establishing mills, machinery, locks and canals on Connecticut river; what number of locks, canals, mills or machinery are erected and now in operation;—what number of dams are erected across said river, and where located, and what measures are now taking for the further improvement of the navigation of said river, and report by bill or otherwise,"—Which was read;—Whereupon, Resolved to concur in passing said resolution, and M^r Clark of Windham County was appointed from Council.

The House sent up, for concurrence in the reference, the following, to wit, "An act for the relief of Mount Tabor," with an order of reference thereon to the Committee of Ways and Means;—also, "An act granting to Samuel Ford the right to sell lottery tickets for the time therein mentioned," with an order of reference thereon to the Committee raised on the petition of Samuel Ford;—Whereupon, Resolved to concur in said several orders of reference. Rec^d also, "An act to incorporate the president, directors and company of the Bank of Orleans," with an order of reference thereon to a committee of four members of the House of representatives, to join from Council; Whereupon, Resolved to concur in said order of reference and M^r Allen was appointed from Council.

Rec^d for revision &c an engrossed bill, entitled "An act for the relief of the Company for rendering Connecticut river navigable by Bellows' Falls, and to continue in force an act therein mentioned,"—Which was read; Whereupon, Resolved to concur in passing said bill. Rec^d also, for revision &c an engrossed bill, entitled "An act directing the Treasurer to pay Josiah Newton the sum therein mentioned," which was read; Whereupon, Resolved to concur in passing said bill. Rec^d also, for revision &c an engrossed bill, entitled "An act directing the Treasurer to pay Austin Birchard the sum therein mentioned," which was read;—Whereupon, Resolved to concur in passing said bill. Rec^d also, for revision, &c an engrossed bill, entitled "An act for the relief of the town of Washington," which was read;—Whereupon, Resolved to concur in passing said bill. Rec^d also, for revision &c an engrossed bill, entitled

"An act directing the Treasurer to pay the sum therein mentioned;" which was read;—Whereupon, *Resolved* to concur in passing said bill. Rec^d also, for revision &c an engrossed bill, entitled "An act, directing the Treasurer to pay James Porter & Ralph Gowdey the sum therein mentioned," which was read;—Whereupon, *Resolved* to concur in passing said bill. Rec^d also, for revision &c an engrossed bill, entitled "An act to enable John Carey and others to hold and convey real estate," which was read;—Whereupon, *Resolved* to concur in passing said bill. Rec^d also, for revision &c an engrossed bill, entitled "An act granting a ferry to William Stephenson," which was read;—Whereupon, *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the concurrence of the Governor and Council in the passage of the eight bills, last mentioned.

The Gov. & Council attended in the Representatives' room for the election of Directors of the V^t State Bank & a Committee to inspect the several Banks in the State, after which they returned to their chamber and adjourned to 2 o'clock P. M.¹

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. Adjourned to 9 o'clock tomorrow morning.

WEDNESDAY NOV. 3, 1830. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. Rec^d from the House, for concurrence, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the Governor be requested to appoint some suitable person or persons to meet the engineers or commissioners to be appointed by the General Government for the purpose of surveying the north parts of Lake Champlain, with a view to ascertain the most eligible site for constructing fortifications, agreeably to a resolution of Congress"; Which was read; Whereupon, *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary inform the House of such concurrence.

Rec^d for concurrence, the following, to wit, The petition of Robert Boyd & others; with an order of reference thereon to the Judiciary Committee, *Also*, "An act to encourage the growing of wool and for improving the breed of sheep," with an order of reference thereon to the Committee of Agriculture, *Also*, "An act relating to jail yards"; with an order of reference thereon to the Committee of Insolvency; Whereupon, *Resolved* to concur in said several orders of reference. Rec^d also, The petition of the Selectmen of Northfield; with an order of reference thereon to a committee of four members of the House of representatives to join from Council; Whereupon *Resolved* to concur in said order of reference, and Mr. Clark of Bennington County was appointed from Council.

Rec^d for revision &c an engrossed bill, entitled "An act in relation to County Treasurers," Which was read;—Whereupon, *Resolved* to concur in passing said bill. Rec^d also, for revision &c an engrossed bill, entitled "An act in addition to an act to provide for the support of Common Schools," which was read;—Whereupon, *Resolved* to concur in passing said bill. Rec^d also, for revision &c an engrossed bill, entitled "An act to preserve fish in Hinesburgh pond," Which was read; Whereupon, *Resolved* to concur in passing said bill. Rec^d also, for revision &c an

¹The following elections were made: Benjamin Swan, Job Lyman, George T. Hodges, Directors of the Vermont State Bank; and Robert Pierpoint, Bank Committee.

engrossed bill, entitled "An act laying a tax on the lands in Troy," which was read; Whereupon, *Resolved* to concur in passing said bill. Rec^d also, for revision & an engrossed bill, entitled "An act directing the Treasurer to pay Lyman Watts the sum therein mentioned"; Which was read;—Whereupon, *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the concurrence of the Governor and Council in passing the five bills last mentioned.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. Mr. Janes submitted the following resolution, to wit, "Resolved, the House of Representatives concurring herein, that the Librarian be directed to procure, at the expense of the State, five copies of each of the volumes of the reports of the decisions of the Supreme Court of this State, and that the same be deposited in the State Library," Which was read and passed, and sent to the House of representatives for their concurrence.

Rec^d from the House for revision & an engrossed bill, entitled "An act directing the Treasurer to pay the Selectmen of Middlebury the sum therein mentioned," which was read; Whereupon, *Resolved* to concur in passing said bill, & *Ordered* that the Secretary inform the House of such concurrence. Adjourned to 9 o'clock tomorrow morning.

THURSDAY Nov. 4, 1830. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. Mr. Hoyt asked and obtained leave of absence from & after to-day.

Rec^d from the House, for revision & an engrossed bill, entitled "An act granting to the town of Bakersfield further time to complete a road in said town," Which was read;—Whereupon, *Resolved* to concur in passing said bill. Rec^d also, for revision & an engrossed bill, entitled "An act granting to the town of Greensborough further time to complete a road in said town"; Which was read;—Whereupon, *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the concurrence of the Governor and Council in passing the two bills last mentioned.

Rec^d for concurrence the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the judges of the Supreme Court be and are hereby requested not to preside at any County Court within and for the County in which they have usually resided, or in which they did reside at the time of their election to their respective offices;" which was read, and *Ordered* to lie on the table.

Rec^d for concurrence in the reference, the following, to wit, "An act directing the Treasurer to pay Jeremiah Boynton the sum therein mentioned," with an order of reference thereon to the Committee of claims; Also, "An act in addition to an act entitled 'an act constituting the Supreme Court of Judicature and County Courts, defining their powers and regulating judicial proceedings,'" with an order of reference thereon to the judiciary Committee. Also, "An act in addition to an act entitled 'an act, regulating the practice of physic and surgery within this State,'" with an order of reference thereon to the Committee on Education. Also, "An act in addition to an act relating to the bridges in the several towns in this State"; with an order of reference thereon to the General Committee. Whereupon, *Resolved* to concur in said several orders of reference. Rec^d also, for concurrence in the reference, "An act to incorporate the President, Directors and Company of the Bank of Orleans," with an order of reference thereon to the members of the House

of representatives from Orleans County, to join from Council, Whereupon, *Resolved* to concur in said order of reference, and M^r Allen was appointed from Council.

Rec^d for revision &c an engrossed bill, entitled "An act in addition to an act, entitled 'an act allowing endorsees to maintain actions in their own name,'" which was read, and, on motion of M^r Pierpoint, amended by striking out all of the second section, after the enacting clause, and inserting, in lieu thereof, the following, to wit, "That every bill of Exchange or promissory note, hereafter executed, and which by law, shall be payable in this State, shall be considered due and payable at the time specified therein for the payment thereof, without any allowance of grace on the same." and said bill was then *Ordered* to lie on the table.

The Governor and Council attended in the representatives' room for the further appointment of County officers, after which they returned to their chamber. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M. — The Governor & Council met agreeably to adjournment. Adjourned to 9 o'clock tomorrow morning.

FRIDAY Nov. 5, 1830. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. The House sent up, for concurrence in the reference, the following, to wit, "An act in addition to an act entitled 'an act in explanation of and in addition to an act entitled 'an act constituting Probate Courts and defining their powers, and regulating the settlement of testate and intestate estates, and the guardianship of minors and insane persons,' passed Nov. 13. 1827;"—with an order of reference thereon to the judiciary Committee;—*Also*, "An act in relation to the mortgage of certain articles of personal property;" *Also*, "An act in addition to an act defining the powers of justices of the peace within this State"; and "An act regulating and licensing victualling houses";—with an order of reference on each to the judiciary committee. Whereupon, *Resolved* to concur in said several orders of reference.

M^r Harris was appointed from the Council on the Committee of Agriculture, in the place of M^r Hoyt, who had obtained leave of absence for the remainder of the session. M^r Pierpoint was appointed from Council on the Committee upon the petition of Peter Sax & others, in the place of M^r Hoyt, who was absent.

The House sent up, for concurrence, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the judiciary committee be instructed to inquire into the expediency of altering the forms of oaths, as now prescribed; and report by bill or otherwise," Which was read; Whereupon, *Resolved* to concur in passing said resolution. Rec^d *also*, for concurrence, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that both Houses meet in the representatives' room, on Wednesday morning, next, at 6 o'clock, for the purpose of adjourning the legislature without day";—Which was read;—Whereupon, it was *Ordered* that said resolution lie upon the table.

The House sent up for revision &c an engrossed bill, entitled "An act to provide for the attendance of witnesses for respondents in criminal cases," which was read;—Whereupon *Resolved* to concur in passing said bill. Rec^d *also*, for revision &c an engrossed bill, entitled "An act in addition to the several acts regulating costs"; Which was read; Whereupon *Resolved* to concur in passing said bill. Rec^d *also*, for revision &c an engrossed bill, entitled "An act in alteration of an act to

incorporate the Connecticut River Steam Boat Company"; Which was read;—Whereupon *Resolved* to concur in passing said bill. Rec^d also, for revision & an engrossed bill, entitled "An act directing the Treasurer to pay James Davis the sum therein mentioned"; which was read;—Whereupon, *Resolved*, to concur in passing said bill. Rec^d also, for revision & an engrossed bill, entitled "An act to incorporate the Newbury High School"; which was read;—Whereupon, *Resolved* to concur in passing said bill. Rec^d also, for revision & an engrossed bill, entitled "An act in addition to an act establishing an Academy in Bradford, in the County of Orange"; which was read;—Whereupon, *Resolved* to concur in passing said bill.

The engrossed bill, entitled "an act in addition to an act allowing endorsees to maintain actions in their own names," which was yesterday laid on the table, was taken up, Whereupon *Resolved* not to concur in passing said bill, and Mr. Janes was appointed to prepare reasons in writing for such *non*-concurrence, who forthwith reported the following, to wit, "That it is inexpedient to exempt banking corporations, *alone*, from the operation of the General laws of this State, in relation to negotiable paper," which were adopted, and it was *Ordered* that the Secretary return said bill with the reasons aforesaid to the House and inform that body of the concurrence of the Governor and Council in passing the six preceding bills above mentioned. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. The House sent up the following, to wit, The petition of the Executors of James Perkins, with an order thereon discharging the judiciary Committee from the further consideration of the same, and referring it to a committee of four members of the House of Representatives, to join from Council;—Whereupon, *Resolved* to concur in said order of discharge and reference, and Mr. Hunter was appointed from Council. Rec^d also, for concurrence in the reference, the following, to wit, "An act altering the time of holding the sessions of the County Courts in the Counties of Orleans, Caledonia and Essex," with an order of reference thereon to one member of the House, from each of said Counties, to join from Council;—Whereupon, *Resolved* to concur in said order of reference, and Mr. Deming was appointed from Council.

The House sent up for revision & an engrossed bill, entitled "An act in addition to and alteration of an act, entitled 'an act appointing notaries public and declaring their office and duty,'" which was read, and amended by striking out the words "*in addition to those now by law appointed*." Whereupon, *Resolved* to concur in passing said bill, as amended, and Mr. Davis was appointed to prepare reasons for such amendment, who reports the following, to wit, "That the bill, as passed by the General Assembly, provides for the appointment of more notaries than are necessary to transact the business required of them," which reasons were adopted, and it was *Ordered* that the Secretary inform the House of the concurrence of the Governor and Council in passing said bill as amended, and return the same to the House with the amendment and reasons aforesaid.

The resolution, which was, on the 3^d instant, laid on the table, requesting the judges of the Supreme Court "not to preside in any County Court, within and for the County in which they have usually resided, or in which they did reside at the time of their election to their respective offices," was taken up, and, on motion of Mr. Pierpoint, it was *Resolved* not to concur in passing said resolution, and *Ordered* that the Secretary inform the House of such *non*-concurrence.

Rec^d from the House, for revision & an engrossed bill, entitled "An act extending the time and continuing in force, for a limited period, 'an

act to incorporate the President, Directors & Company of the Bank of Windsor"; Which was read;—Whereupon, *Resolved* to concur in passing said bill. Rec^d. also, for revision &c an engrossed bill, entitled "An act extending the time and continuing in force, for a limited period, an act to incorporate the President, Directors & Company of the Bank of Burlington"; Which was read;—Whereupon, *Resolved* to concur in passing said bill, & *Ordered* that the Secretary inform the House of the concurrence in passing the two last mentioned bills. Adjourned to 9 o'clock, tomorrow morning.

SATURDAY NOV. 6, 1830. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. The House sent up, for concurrence, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the General Committee be instructed to inquire into the expediency of reducing the fees of Sheriffs and Constables, and report by bill or otherwise;" which was read;—Whereupon, *Resolved* to concur in passing said resolution. Rec^d. also, for concurrence, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that so much of His Excellency's speech as relates to the improvement of roads and other means of communication within this State, and the subjects connected therewith, be referred to the committee on roads and canals;" which was read;—Whereupon, *Resolved* to concur in passing said resolution. Rec^d. for concurrence in the reference, the following, to wit, "An act relating to the judiciary," and "An act constituting a new county by the name of Manchester;" with an order of reference on each to the judiciary committee;—Rec^d. also, "An act in addition to 'an act, incorporating certain persons therein named, by the name of the Montpelier Fire Company,'" with an order of reference thereon to the Committee raised on the bill incorporating the Danville Fire Society;—Whereupon, *Resolved* to concur in said several orders of reference.

The House sent up for revision &c an engrossed bill, entitled "An act in addition to an act, entitled 'an act for the relief of Jefferson Scott, Lemuel Scott and Wait Scott,'" which was read;—Whereupon *Resolved* to concur in passing said bill. Rec^d. also, for revision &c an engrossed bill, entitled "An act altering the names of certain persons therein mentioned," which was read; Whereupon *Resolved* to concur in passing said bill. Rec^d. also, for revision &c an engrossed bill, entitled "An act laying a tax on the lands in Franklin," which was read; Whereupon, *Resolved* to concur in passing said bill. Rec^d. also, for revision &c an engrossed bill, entitled "An act laying a tax on the lands in Newark," which was read;—Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the concurrence of the Governor & Council in the passage of the four bills last mentioned.

Mr. Davis moved the reconsideration of the vote of the 25th Oct. ult^a dismissing the petition of Daniel Sartwell, a convict in the State prison, and the said motion having been put, it was determined in the negative.

The petition of Jonathan E. Love, a convict in the State prison, was taken up, and the question "Shall the said Jonathan E. Love be discharged from the State prison?" was put and determined in the affirmative. Yeas 8. Nays 2. Those, who voted in the affirmative, were, The Lieutenant Governor, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Davis, Deming, Janes and Worthington. Those, who voted in the negative, were Messrs. Harris and Pierpoint.

The resolution, fixing a time for the adjournment of the Legislature without day, which was yesterday laid on the table, was taken up, and

amended by striking out the word "Wednesday," and inserting, in lieu thereof, the word "Thursday," Whereupon, *Resolved* to concur in passing said resolution, as amended;— *Ordered* that the Secretary inform the House of such amendment and concurrence.

The petition of Stewart Rutledge, a convict in the State prison, was taken up and *Ordered* to be dismissed. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. The House sent up, for concurrence in the reference, the following, to wit, "Report of the Commissioners appointed agreeably to the act for the benefit of the deaf & dumb";—and "An act in addition to and in alteration of an act entitled 'an act laying duties on licenses for selling wines and foreign distilled spirituous liquors,' passed Nov. 11. 1802," with an order of reference on each to the Committee of Ways and Means;— *Also*, "An act granting further time to Eden to complete a road in said town," with an order of reference thereon to the Committee on roads & canals; *also*, The petition of John Lakin and others; with an order of reference thereon to the Committee of Manufactures; *also*, The remonstrance of sundry inhabitants of Fairfax, with an order of reference thereon to the Committee raised on the petition of Aaron S. Beeman and others;— Whereupon *Resolved* to concur in said several orders of reference.

The House sent up for revision &c an engrossed bill, entitled "An act to incorporate certain persons therein named by the name of the Danville Fire Society," which was read;—Whereupon *Resolved* to concur in passing said bill. Rec^d *also*, for revision &c an engrossed bill, entitled "An act altering the name of Vineyard to that of Isle la Mott," which was read; Whereupon *Resolved* to concur in passing said bill. Rec^d *also*, for revision &c an engrossed bill, entitled "An act incorporating the Manchester South Village Fire Company," which was read;—Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Sec^y inform the House of the concurrence in passing the s^d three last mentioned bills. Rec^d *also*, for revision &c an engrossed bill, entitled "An act in relation to imprisonment for debt," which was read and amended by striking out the word "County" in the sixth line, and by striking out the word "four" in the eighth line, and inserting, in lieu thereof, the word "two," and by striking out the words "provided by law for poor debtors in jail," and inserting, in lieu thereof, the words "named in the second section of this act," and by adding to the bill, the following, to wit, "Section 2^d. It is hereby further enacted, that the oath to be administered to such debtors shall be in the form following, to wit, You solemnly, sincerely and truly swear (or affirm) without evasion, equivocation or mental reservation, that you have not any estate, real or personal, except one cow, one swine or the meat of one swine, ten cords of fire wood, five bushels of grain, twenty bushels of potatoes, ten sheep and one year's product of said sheep, and forage sufficient for the keeping of your cow and sheep through the present or ensuing winter, (as the case may be,) and such suitable apparel, bedding, tools and household furniture, as may be necessary for upholding life, and such military arms and equipments, as it is your duty, by law, to furnish, in possession, remainder or reversion, to the value of twenty dollars in the whole, nor sufficient to pay the debt, damages and costs, for which judgment has been rendered against you, and that you have not directly or indirectly disposed of all or any part of your estate to defraud or deceive any of your just creditors—So help you God, (or in case of affirmation) under the pains and penalties of perjury." Whereupon *Resolved* to concur in passing said bill, as amended, and Mr. Deming was appointed to inform

the House of such amendments and concurrence and assign reasons for said amendments to that body.

Adjourned to 9 o'clock Monday morning.

MONDAY Nov. 8, 1830. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. The House sent up, for concurrence, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the General Committee be instructed to inquire into the expediency of providing by law, for taxing turnpike stock within this State, and report by bill or otherwise," which was read;—Whereupon *Resolved* to concur in passing said resolution. Rec^d. also, for concurrence, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the General Committee be directed to inquire into the expediency of repealing the law, which makes a distinction between freeholders and non-freeholders in relation to town officers, passed Feb. 28, 1797, and report by bill or otherwise," which was read; Whereupon *Resolved* to concur in passing said resolution. Rec^d. also for concurrence, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the judiciary Committee be directed to enquire into the expediency of so altering the law, as to tax bank stock, whether the same be in the banks in this state, or in the banks of other states, and report by bill or otherwise," which was read; Whereupon *Resolved* to concur in passing said resolution. Rec^d. also, for concurrence, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the Secretary of State be directed to distribute to each organized town in this state one copy of the reports of the Supreme Court for each year, including those for past years, which may be on hand in his office," which was read, and *Ordered* to lie on the table. Rec^d. also, for concurrence, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that his Excellency the Governor, be and he is hereby authorized to open a correspondence with the Executive of the State of New Hampshire, on the subject of the boundary line between this State and New Hampshire, and to adopt such measures, in conjunction with the Executive of New Hampshire, as he may deem expedient, in order to ascertain the true line between the two States; and that, for this purpose he is empowered to appoint a commissioner or commissioners to meet a commissioner or commissioners, who may be appointed on the part of New Hampshire, to ascertain and agree upon said line; and the line, which shall be agreed upon by the commissioners, so appointed, when ratified by the Governments of Vermont and New Hampshire, shall be and remain the boundary line between the two States;" Which was read,—Whereupon, *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary inform the House of such concurrence.

The House sent up, for concurrence in the reference, the following, to wit, "An act in addition to an act entitled 'an act directing the mode of taking inquisition on the body of a person found dead by casualty or violence';" "An act regulating the Competency of Witnesses"; "An act for the relief of bail in certain cases"; "An act in addition to an act, entitled 'an act constituting a Court of Chancery'"; "An act in addition to an act, entitled 'an act directing the proceedings against the trustees of concealed or absconding debtors, and the several acts in addition thereto'"; and "An act in addition to an act, entitled 'an act relating to jails and jailers,'" with an order of reference on each to the judiciary Committee; *Also*, "An act granting to the town of Bethel further time

to complete a road," with an order of reference thereon to the Committee on roads and canals; Whereupon *Resolved* to concur in said several orders of reference.

Rec^d. from the House for revision &c. an engrossed bill, entitled "An act in addition to an act entitled 'an act against disturbing the remains of the dead.'" Which was read; Whereupon *Resolved* to concur in passing said bill, and *Ordered* that the Secretary inform the House of such concurrence. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. The House sent up, for concurrence in passing, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that a committee of two members of the House be appointed, to join from Council, to ascertain the expense of conveying the remains of Schuyler Murdock Esq^r. deceased, from the seat of Government to his late residence in Whitingham, and ascertain the amount of his debenture, and report by bill or otherwise," Which was read;—Whereupon *Resolved* to concur in passing said resolution, and M^r. Clark of Windham County was appointed from Council.¹

Rec^d. for concurrence in the reference, the following, to wit, "An act extending the limits of jails," with an order of reference thereon to a committee of four members of the House of representatives, to join from Council, Whereupon, *Resolved* to concur in said order of reference and M^r. Janes was appointed from Council.

M^r. Brown of Worcester, from the House of representatives, appeared in the Council Chamber and informed that Robert B. Bates, Speaker of the House of Representatives, had obtained leave of absence, and that John Kellogg, Esq^r had been elected to fill the office for the remainder of the session.

Resolved, that His Excellency be requested to appoint Friday, the 15th. day of April next, to be observed as a day of public fasting, humiliation and prayer, throughout this state.

The Governor and Council appointed Azel Spaulding, Esq^r. Librarian, and Joseph Howes, Esq^r. Surveyor of public buildings, for the year ensuing. Adjourned to 9 o'clock tomorrow morning.

TUESDAY Nov. 9, 1830. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. The House sent up, for concurrence, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that both Houses meet in the representatives' room on Tuesday next, at 10 o'clock forenoon, for the purpose of electing a Brigadier General of the 2^d. Brigade, and 2^d. division, to fill the vacancy occasioned by the resignation of Brig. Gen^l. John Kellogg,"—Which was read;—Whereupon, *Resolved* to concur in passing said resolution, and *Ordered* that the Secretary inform the House of such concurrence.

¹ Mr. Murdock, representative of Whitingham, had indicated evidence of a disordered mind on his way to attend the legislature, and during the session he grew worse and worse, his disease doubtless being intensified by the debate on the case of Doct. Cleaveland's application to be relieved from a sentence of death. Mr. Murdock conceived that he was himself to be executed, and to escape that terrible fate he committed suicide.

Rec^d. a written communication from the Speaker of the House of representatives, informing that the House had concurred in the amendments proposed by the Governor and Council to the bill, entitled "An act in relation to imprisonment for debt," and also in the amendments proposed by the Governor and Council to the bill, entitled "An act in addition to and alteration of an act entitled 'an act appointing notaries public and declaring their office and duty,'" and also, in the resolution as amended, fixing a time for the adjournment of both Houses of the Legislature.—Which was read.

Rec^d. for revision &c. an engrossed bill, entitled "An act to repeal an act therein mentioned," Which was read, Whereupon, *Resolved* to concur in passing said bill. Rec^d. also, for revision &c. an engrossed bill, entitled "An act in addition to 'an act relating to weights and measures,' passed March 8. 1797,"—Which was read;—Whereupon, *Resolved* to concur in passing said bill. Rec^d. also, for revision &c. an engrossed bill, entitled "An act, repealing an act entitled 'an act taxing agents of foreign fire insurance companies'"; Which was read;—Whereupon, *Resolved* to concur in passing said bill. Rec^d. also, for revision &c. an engrossed bill, entitled "An act altering the name of the town of Minehead," which was read;—Whereupon, *Resolved* to concur in passing said bill. Rec^d. also, for revision, &c. an engrossed bill, entitled "An act granting to Samuel Warner the right of keeping a ferry,"—Which was read;—Whereupon, *Resolved* to concur in passing said bill. Rec^d. also, for revision &c. an engrossed bill, entitled "An act laying a tax on the County of Franklin," Which was read;—Whereupon, *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the concurrence of the Governor and Council in passing the six bills last mentioned.

Mr. Harris introduced the following resolution, to wit, "Resolved, the General Assembly concurring herein, that our Senators and representatives in Congress be requested to use their influence in procuring a survey, by the United States Corps of Engineers, of the most eligible route for a rail road from the Seaboard at Boston, Massachusetts, to Ogdensburgh in the State of New York," which was read & passed and ordered to be sent to the General Assembly for their concurrence.

Rec^d. for revision &c. an engrossed bill, entitled "An act extending the jurisdiction of Constables," which was read;—Whereupon, *Resolved not* to concur in passing said bill, and Mr. Pierpoint was appointed to report reasons for such non-concurrence.

The resolution yesterday laid on the table, providing for distribution of the reports of the Sup. Court, was taken up; Whereupon, *Resolved not* to concur & *ordered* that the Secy. inform the House of such non-concurrence. Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. Mr. Pierpoint, who was appointed for that purpose, reported the following reasons for non-concurring in passing the bill, entitled "An act extending the jurisdiction of Constables," to wit, "1. The Governor and Council believe it inexpedient to create a large number of County officers, over whom the County have no control. 2^d. The Governor and Council believe that if the bill should become a law, it would take from the Constables in small towns, a great portion of the profits now derived from serving writs & executions and give it to the constables in large towns and thereby render that office in small towns a great burden." Which were adopted, and it was *Ordered* that the Secretary return said bill to the House with the reasons aforesaid.

Rec^d. for revision &c. an engrossed bill, entitled "An act, directing the Treasurer to pay Jeremiah Boynton the sum therein mentioned";

which was read ; Whereupon, *Resolved* to concur in passing said bill. Rec^d also, for revision &c an engrossed bill, entitled "An act directing the Treasurer to pay John Chaffee the sum therein mentioned" ; Which was read ; Whereupon *Resolved* to concur in passing said bill. Rec^d also, for revision &c an engrossed bill, entitled "An act, directing the Treasurer to pay Thomas Jameson the sum therein mentioned" ; Which was read ; — Whereupon *Resolved* to concur in passing said bill. Rec^d also, for revision &c an engrossed bill, entitled "An act, directing the Treasurer to pay Joseph Howes the sum therein mentioned" ; — Which was read ; — Whereupon *Resolved* to concur in passing said bill. Rec^d also, for revision &c an engrossed bill, entitled "An act appointing a committee to set off lands in Northfield" ; Which was read ; — Whereupon *Resolved* to concur in passing said bill. Rec^d also, for revision &c an engrossed bill, entitled "An act in addition to an act, entitled 'an act in addition to an act, entitled 'an act constituting the Supreme Court of judicature and County Courts, defining their powers and regulating judicial proceedings,' Which was read ; — Whereupon, *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the concurrence in passing the six last mentioned bills.

Adjourned to 9 o'clock to-morrow morning.

WEDNESDAY Nov. 10, 1830. 9 o'clock A. M.

The Governor and Council met agreeably to adjournment. The House sent up for concurrence the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the State's Attorney for the County of Caledonia be, and he is hereby, directed and instructed, at the Supreme or County Court, next to be holden in and for the County of Caledonia, to cause process to be instituted to ascertain by what right the Passumpsic Turnpike Company exercise any right over the roads in the aforesaid towns,* or by what right they keep a gate on said road, or take and receive toll, and to prosecute the same until final adjudication by said Court upon said claim or right" ; which was read, Whereupon, *Resolved* to concur in passing said resolution, & *Ordered* that the Secretary inform the House of such concurrence.

Rec^d for revision &c an engrossed bill, entitled "An act regulating and licensing victualling houses," which was read, Whereupon, *Resolved* to concur in passing said bill. Rec^d also, for revision &c an engrossed bill, entitled "An act, directing the Treasurer of this state to credit the towns of Mount Tabor, Morgan, Belvidere and Baltimore the amount of the state tax assessed on said towns for the year 1829," ; which was read ; Whereupon, *Resolved* to concur in passing said bill. Rec^d also, for revision &c an engrossed bill, entitled "An act directing the Treasurer to pay the board of Commissioners for the benefit of the deaf and dumb, the sums therein mentioned" ; Which was read ; — Whereupon, *Resolved* to concur in passing said bill. Rec^d also, for revision &c an engrossed bill, entitled "An act in addition to an act entitled 'an act relating to the bridges in the several towns in this State'" ; — Which was read ; — Whereupon, *Resolved* to concur in passing said bill. Rec^d also, for revision &c an engrossed bill, entitled "An act laying a tax on the lands in Westfield" ; — which was read ; — Whereupon, *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the concurrence of the Governor and Council in passing the five bills last mentioned.

* Barnet and Ryegate. See [printed] Clerk's journals of Gen^l Assembly, page 179.

§ The petition of Elnathan Darling and Robert B. Bates for the pardon of Josiah Simms, jr., who was convicted of the crime of counterfeiting, at the January term of the Supreme Court 1826, in the County of Addison, and sentenced by said Court to the State prison for the term of seven years, and who was discharged, in Oct. 1828, by the Governor and Council, for the residue of his imprisonment, was taken up, and a pardon granted said Simms; (which was issued same day.) Yeas 11. Nays 0. Those who voted in the affirmative, were the Lieut. Governor, Messrs. Allen, Clark of Bennington County, Clark of Windham County, Davis, Deming, Harris, Hunter, Jones, Pierpoint & Worthington.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.—The Governor and Council met agreeably to adjournment. The engrossed bill, entitled "An act extending the jurisdiction of Constables," in the passage of which the Governor and Council had resolved *not* to concur, was returned by the House, that body having again passed said bill, and said bill was amended by the Governor and Council, by striking out the word "next," and inserting, in lieu thereof, the words "one thousand eight hundred and fifty"—Whereupon, *Resolved* to concur in passing said bill, as amended, and Mr. Pierpoint was appointed to assign reasons for said amendment to the House of Representatives.

Rec^d for revision &c. an engrossed bill, entitled "An act laying a tax on the lands in Eden," which was read, Whereupon, *Resolved not* to concur in passing said bill, and Mr. Allen was appointed to prepare and report reasons for such non-concurrence, and he reported the following, to wit, "The lands in Eden have been so recently very heavily taxed, it is thought improper to tax them again so soon," Which were adopted, and it was *Ordered* that the Secretary return said bill to the House, with the reasons aforesaid. Rec^d for revision &c. an engrossed bill, entitled "An act to enable the Trustees under the will of James Perkins to convey certain real estate;" Which was read;—Whereupon, *Resolved* to concur in passing said bill, & *Ordered* that the Sec^y inform the House thereof. Rec^d also, for revision, &c. an engrossed bill, entitled "An act in addition to an act, entitled 'an act constituting a Court of Chancery'"; Which was read;—Whereupon, *Resolved* to concur in passing said bill, & *Ordered* that the Sec^y inform the House thereof. Rec^d also, for revision &c. an engrossed bill, entitled "An act directing the Treasurer of this State to pay the administrator of the estate of Schuyler Murdock, the sum therein mentioned";—Which was read;—Whereupon, *Resolved* to concur in passing said bill, & *Ordered* that the Sec^y inform the House thereof. Rec^d also, for revision &c. an engrossed bill, entitled "An act in addition to an act, entitled 'an act regulating the inspection of beef and pork,' passed Oct. 21. A. D. 1823," Which was read;—Whereupon, *Resolved* to concur in passing said bill, & *ordered* that the Sec^y inform the House thereof. Rec^d also, for revision &c. an engrossed bill, entitled "An act in addition to an act incorporating certain persons therein named by the name of the Montpelier Fire Society;" Which was read;—Whereupon, *Resolved* to concur in passing said bill, & *Ordered* that the Sec^y inform the House thereof. Rec^d for revision &c. an engrossed bill, entitled "An act granting to the town of Bethel further time to complete a road";—Which was read;—Whereupon, *Resolved* to concur in passing said bill, & *ordered* that the Sec^y inform the House thereof.

Rec^d. a message from the House of Representatives, by Mr. Sprague, one of its members, informing that that body had resolved *not* to concur in the amendments proposed by the Governor and Council to the bill,

entitled "An act extending the jurisdiction of Constables"; and Mr. Sprague assigned the reasons of the House for such non concurrence.

Rec^d. for revision &c. an engrossed bill, entitled "An act relating to duties on licenses to retailers and innkeepers"; which was read;— Whereupon *Resolved* to concur in passing said bill. Rec^d. also, for revision &c. an engrossed bill, entitled "An act in addition to an act entitled 'an act directing the proceedings against the trustees of concealed or absconding debtors,' and the several acts in addition thereto,"— Which was read; Whereupon *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the concurrence of the Governor and Council in the passage of the two bills last mentioned.

Rec^d. from the House, the following resolution, for concurrence, to wit, "Resolved, the Governor and Council concurring herein, that the Librarian be directed to exchange, if practicable, a sufficient number of Vermont reports, Volumes 1st. & 2^d. to furnish the State library with five copies of all the previous reports, as directed by a resolution of the Legislature, passed the present session"; Which was read;— Whereupon, *Resolved* to concur in passing said resolution; & *Ordered* that the Secretary inform the House of such concurrence.

Rec^d. for revision &c. an engrossed bill, entitled "An act in addition to an act entitled 'an act, directing the mode of taking inquisition on the body of a person found dead by casualty or violence'";— Which was read;— Whereupon, *Resolved* to concur in passing said bill, & *Ordered* that the Secretary inform the House of such concurrence.

The House sent up, for concurrence, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the Commissioners, appointed under the act for the benefit of the deaf and dumb, be directed, in cases of extreme poverty, to admit applicants to the American Asylum, without requiring bonds to indemnify the state against expenses that may accrue in consequence of the sickness, clothing or transportation of the beneficiaries"; Which was read; Whereupon, *Resolved* to concur in passing said resolution, & *Ordered* that the Secretary inform the House of such concurrence.

Rec^d. for revision &c. an engrossed bill, entitled "An act assessing a tax for the support of Government"; Which was read;— Whereupon, *Resolved* to concur in passing said bill. Rec^d. also, for revision &c. an engrossed bill, entitled "An act making appropriations for the support of Government";— Which was read;— Whereupon, *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the concurrence of the Governor and Council in the passage of the two bills last mentioned.

The engrossed bill, entitled "An act extending the jurisdiction of Constables," which had been returned from the House with their non-concurrence in the amendments, proposed by the Governor and Council, was taken up;— Whereupon *Resolved* to suspend the passing of said bill until the next session of the Legislature, & *Ordered* that the Secretary inform the House thereof.

Rec^d. for revision &c. an engrossed bill, entitled "An act in addition to an act, entitled 'an act constituting the Supreme Court of judicature and County Courts, defining their powers and regulating judicial proceedings'"; Which was read;— Whereupon, *Resolved* to concur in passing said bill. Rec^d. also, for revision &c. an engrossed bill, entitled "An act in relation to imprisonment on Executions for Torts"; Which was read; Whereupon, *Resolved* to concur in passing said bill. *Ordered* that the Secretary inform the House of the concurrence of the Governor and Council in the passage of the two bills last mentioned.

Mr. Clark, of Bennington County, introduced the following resolution,

to wit, "Resolved, the General Assembly concurring herein, that the Adjutant and Inspector General be directed to distribute to each of the General and field officers and brigade inspectors of the militia of this state, one copy of 'Abstracts of Infantry tactics'; and to each Captain or commanding officer of artillery, one copy of 'Abstracts of Artillery tactics'; and to each Captain or commanding officer of infantry or riflemen, one copy of 'Abstracts of infantry tactics;' to be and remain in the hands of said officers, and to be by them transmitted to their successors, for the use and benefit of the Militia of this State;" Which was read and passed and *ordered* to be sent to the General Assembly for concurrence. Adjourned to $\frac{1}{2}$ past 6 o'clock this evening.

$\frac{1}{2}$ PAST 6 O'CLOCK P. M.—The Governor and Council met pursuant to adjournment. Rec^d for revision &c. an engrossed bill, entitled "An act relating to roads and bridges;"—Which was read and amended by inserting after the word "persons," in the 11th line of the fifth section, the following, to wit, "The allowance land, contained in any lot or lots, through which such new road shall pass, and may set over to the owner of such lot any allowance land that may adjoin the same, in whole or in part satisfaction of damages, and shall also take into consideration." And also by striking out the whole of the 22^d section;—and by adding the following to the 27th section, to wit, "except where the appellants shall fail to enter such appeal, in which case the order or decree of said Commissioners shall have the same effect as though no appeal had been taken, and the Clerk of said Commissioners shall issue said execution, immediately after the rising of the Court, to which said appeal shall have been taken"; and by adding to the end of the bill the following, to wit, "And provided, *also*, that the road Commissioners, already appointed, shall hold their respective offices, as though this act had not been passed." Whereupon, *Resolved* to concur in passing said bill, as amended, and Mr. Pierpoint was appointed to assign reasons to the House for such amendment.

Rec^d *also*, for revision &c. an engrossed bill, entitled "An act granting to the town of Eden further time to complete a road in said town;" Which was read;—Whereupon, *Resolved* to concur in passing said bill, and *Ordered* that the Secretary inform the House of such concurrence.

Rec^d for concurrence the following resolutions, to wit, "Resolved, the Governor and Council concurring herein, that the General Assembly do *not* concur with the General Assembly of the State of Georgia in the proposal to amend the Constitution of the United States 'so as to provide a uniform mode of electing the president and vice president, without the intervention of electors'; and that the election of president and vice-president should, in no case, whatever, be submitted to the decision of the house of representatives of the United States." "Resolved, that this General Assembly do *not* concur with the General Assembly of the State of Louisiana in the proposal to amend the Constitution of the United States, 'so as to extend the term of office of president and vice president to six years, and to render the president ineligible after the first election.'" "Resolved, that the Governor of this State be requested to forward a copy of the foregoing resolutions to the Executive of each State, with a request that they be laid before their respective legislatures"; Which were read;—Whereupon, *Resolved* to concur in passing said resolutions, and *Ordered* that the Secretary inform the House of such concurrence.

Rec^d. a written message from the Speaker of the House of representatives, informing that the House had concurred in the joint resolution relative to the distribution of Military Tactics, Which was read.

Mr. Pierpoint moved the reconsideration of the vote of the 6th instant, dismissing the petition of Stewart Rutledge, a convict in the State prison, and the question being put, it was determined in the negative.

The Governor and Council appointed Rev^d. Reuben Smith, Jacob Collamer Esq^r. and Rev^d. Willard Child, Commissioners under the third section of an act, entitled "an act in addition to, and in amendment of the several acts for the purpose of founding the University of Vermont," passed Oct. 30. 1823.

Rec^d. for concurrence, the following resolution, to wit, "Resolved, the Governor and Council concurring herein, that the acts of the last session of Congress, deposited in the library, be distributed as follows, to wit, To the Governor, one copy, to the Lieutenant Governor, one copy, to each State's attorney and each County Clerk, one copy; to the County of Bennington, thirteen copies; to the County of Windham, sixteen copies; to the County of Rutland, eighteen copies; to the County of Windsor, sixteen copies; to the County of Addison, fifteen copies; to the County of Orange, fourteen copies; to the County of Chittenden, twelve copies; to the County of Washington, twelve copies; to the County of Caledonia, thirteen copies; to the County of Franklin, twelve copies; to the County of Orleans, thirteen copies; to the County of Essex, six copies; to the County of Grand Isle, five copies; that three copies be deposited in the Secretary of State's office, and the remainder in the State library," which was read; Whereupon, *Resolved* to concur in passing said resolution, & *Ordered* that the Secretary inform the House of such concurrence.

Rec^d. a written communication from the Speaker of the House of representatives, informing that the House had concurred in the amendments, proposed by the Governor and Council, to the bill, entitled "an act relating to roads and bridges," Which was read. Adjourned to 6 o'clock tomorrow morning.

THURSDAY Nov. 11, 1830. 6 o'clock A. M.

The Governor and Council met agreeably to adjournment. Rec^d. a message from the House of representatives by Mr. Tucker, one of its members, informing that the House had, on their part, completed the business of the session, and were ready to meet the Governor and Council for the purpose of adjourning the Legislature without day. *Ordered* that the Secretary inform the House of representatives that the Governor and Council will immediately attend in the representatives' room for the purpose of adjourning the Legislature without day. The Governor and Council attended in the representatives' room, agreeably to the joint resolution of the two Houses, and, after a prayer by the Chaplain, the Sheriff of Washington County, by direction of His Excellency, the Governor, adjourned the General Assembly without day. The Governor and Council then returned to their Chamber and adjourned without day.

STATE OF VERMONT ss.—The foregoing, from page 249 to page 322, inclusive, (of manuscript Council Journal, Vol. 11.) is a true journal of the proceedings of the Governor and Council, at their annual session in the year 1830.

GEO. B. SHAW, *Secretary*.

DEBENTURE OF THE LIEUT. GOV- ERNOR AND COUNCIL, 1830.	No. Miles Travel.	Am't of Travel.	No. days Att'nce.	Am't of Att'nce.	Debenture.
Job Lyman	50	6.00	2	3.00	9.00
L ^t Gov. Richards	92	11.04	24	96.00	107.04
Mr. Allen	45	5.40	28	42.00	47.40
" Clark of B.	110	13.20	29	43.50	56.70
" Clark of W.	112	13.44	29	43.50	56.94
" Davis	66	7.92	16	24.00	31.92
" Deming	30	3.60	29	43.50	47.10
" Harris	32	3.84	29	43.50	47.34
" Hoyt	55	6.60	22	33.00	39.60
" Hunter	60	7.20	28	42.00	49.20
" Janes	12	1.44	28	42.00	43.44
" Pierpoint	70	8.40	29	43.50	51.90
" Thompson	38	4.56	19	28.50	33.06
" Worthington	1	12	29	43.50	43.62
Sheriff Keith	1	12	29	43.50	43.62
Deputy	12	1.44	29	43.50	44.94
Librarian	1	12	29	43.50	43.62
					\$796.44

The above was received of the Treasurer, by the Sheriff of Washington County, and by him paid over to the members of the Council &c.

His Excellency, the Governor, was pleased to appoint James Davis, Esq^r. agent to prepare and publish the Reports of the Supreme Court, under the act of 29 October 1829, authorizing such appointment.

APPENDIX A.

GOVERNORS' SPEECHES TO THE LEGISLATURE—1822-1880.

SPEECH OF GOV. SKINNER — 1822.¹

Gentlemen of the Council, and Gentlemen of the House of Representatives:

The evidence given by my fellow citizens, of their continued respect, in electing me again to the office of Chief Magistrate of the State, excites in my breast the liveliest sense of gratitude ; and while it encourages the belief, that hitherto, the discharge of the important duties of the trust has merited approbation, it reminds me, that repeated tokens of confidence, demand increased exertions of faithfulness and diligence.

The opportunity with which I have been favored, of becoming acquainted with the sentiments of gentlemen who compose this assembly ; having been frequently associated with most of you, in some of the different departments of the government ; enables me to rely with confidence, upon your countenance and support, in every proposition, made by the Executive, which has for its end, the advancement of the public interest ; at the same time affording satisfactory evidence, that the independent and enlightened opinions of the representatives of the freemen, are duly appreciated.

In assembling together upon an occasion like the present, we are naturally led to a recollection of the events of the past year ; and although in the dispensation of Providence, there are none, distinguishingly marked with prosperity, or adversity, in which we are immediately interested ; much to the sober, considerate mind, is presented, which demands sincere acknowledgments to the Supreme Being ; and that through his gracious influence, our present labors may have a prosperous result, it becomes us to cherish a grateful remembrance of past favors, and in sincerity, humbly implore Divine assistance.

The short period for which representatives hold their offices, and the plenary powers with which they are invested, was designed, by the venerable framers of our Constitution, to secure to the people, the power of speedily abrogating such laws as were inexpedient, or unjust ; and while we possess this peculiar advantage, that we may practically avoid the evil of frequent and injudicious changes of the public laws, against which other governments have provided, by creating a co-ordinate and more permanent branch of legislative authority ; we ought to cultivate an habitual regard for existing laws, and carefully to resist a natural, yet dangerous, propensity, of magnifying partial imperfections, to which all

¹ From *Ms. Council Journal*, Vol. 9.

human institutions are unavoidably subject, into unnecessary and radical defects.

The present period of public tranquillity, is highly favorable to the adoption of measures, calculated to promote the permanent interests of the State. To improve the means of transporting the various commodities with which the State abounds and to facilitate access to the most favourable markets, are objects of the first importance. We have witnessed with pleasure the interest which this subject has excited in our sister states; and it cannot be doubted, that the time is not distant, when it will claim the attention of our own. Whether the period has arrived, in which it would be practicable to attempt anything beyond the improvement of our roads, will be decided by the discretion of the legislature. That striking disparity which exists in the state of the roads, in different towns, possessing equal means, and subjected to equal obstacles and difficulties, is evidence of a defect in the law, or its administration. I apprehend it will be found upon examination, that the statute of 1820, applying a penalty imposed upon a town, for neglect in making and repairing roads, to that object, has produced no salutary effects; but has rather induced the very neglect against which the law was designed to provide. Instead of stimulating to diligence and attention, from the fear of punishment, it invites delay until the tardy process of the law shall compel them to do that, and that only, which was their duty to have performed. It is in effect saying, "if you neglect to impose this necessary tax upon yourselves, it may, at some future period, be imposed upon you by others."

The fiscal concerns of a State, however limited and inconsiderable, require the constant care and watchfulness of its guardians. They ought not only to require, but to obtain, annually, information in relation to every source of revenue, as well as the state and condition of all the demands under the charge of the various public officers through the government. Although retrenchment cannot be deemed necessary in reference to the present compensation allowed for specific services; which is probably below that of any other State of equal rank: that the claims upon the Treasury may not be unnecessarily augmented, every branch of public expenditure demands frequent examination. The expenses incurred by public prosecutions constitute a principal source of the disbursements made by that department; and it is to be noticed, that for many years, they have much increased.

In a government like ours, established upon the avowed principle of securing equal privileges, and affording equal protection to all, justice demands of those to whom its administration is entrusted, so to provide, as that the unsuspecting and unfortunate may be secured against the unjust exactions of the more artful and fortunate. The distinctions which exist in other governments, arising from affluence and indigence, and may *there* be necessary, to support the deformed fabrics, are alike opposed to the safety of our civil institutions, and the well being of society. The acquisition of wealth by laudable industry, economy and prudence, merits approbation and encouragement; but laws providing facilities for a few calculating greedy citizens to monopolize that property, the product of the toil and industry of the more useful and deserving, can never be sanctioned by the faithful and intelligent representatives of the people. These suggestions are made from a conviction, that the practice of exacting exorbitant interest—a subject alluded to in addressing the legislature last year, and for which I hope to be excused in again inviting its attention—is becoming extensively injurious to the interests of the great body of the citizens. The amount of the exaction is overlooked in the covert poison of long credit, and illusive hope, of

good fortune, and better times ; or submitted to from necessity. In most governments, where the amount of interest is at all restricted by law, the contract, or security, in which is reserved the usury, is rendered void. Should any law on the subject be considered useful, I submit to the General Assembly, whether a provision to that effect, would not necessarily check the evil. So long as the security is not jeopardized, the usurer will not hesitate to make the reservation ; suspending on the happening of events, the ultimate determination of receiving. It is believed that the existing penalty is inadequate to the object. Private prosecutions by the aggrieved, or others, are discouraged by the consideration, that in most cases the cost and expense incurred in, and the uncertainty of the final issue of the prosecution, will counterbalance the offered and unprecedented low reward. Public prosecutions are rare, inasmuch as where no private advantage is expected, there are few who will, at the expense of the displeasure of a powerful class of citizens, voluntarily exercise the reputedly invidious office of informer.

The natural effect produced by the success, which of late has attended the petitions for the establishment of banks, is to encourage others in the pursuit ; and the difficulty of resisting applications, supported by arguments which have heretofore been urged, with so much skill and efficacy, is probably not diminished. The commercial concerns of the State cannot require extensive banking institutions. The resources of our husbandmen, and their course of business, are illy calculated to meet the demand, and comply with the necessary regulations. An opportunity will be afforded for investing that money, which would otherwise remain in the hands of many wealthy honorable citizens, accessible to those who will then become the prey of such as are thereby enabled to increase the means of usurious depredations. The advantage ordinarily derived to the State at large, from the augmentation of a circulating medium, which is not the representative of real wealth, is not discerned. The ruinous effect of multiplying banks in the interior of our country, has indeed been felt, and is, I believe, generally acknowledged ; and I can but hope that the legislature will concur in the opinion, that enough has already been done to satisfy every requisition, emanating from an ingenuous desire for the public good.

The doubts which have been entertained by many whose opinions merit respect, together with the decision lately made by the Circuit Court of the United States, will suggest to the General Assembly the propriety of cautiously providing for the relief of the unfortunate, who are induced to ask for acts of suspension and insolvency, that the intended favor may not prove delusive to the debtor, or prejudicial to those who have humanely furnished the requisite aid, for extending the limits of their confinement beyond the walls of a comfortless prison.

In obedience to the direction of the General Assembly at their last session, a correspondence has been opened with the Governor of Canada, on the subject of the obstructions supposed to have been erected on the waters issuing from lake Memphramagog ; and it is due to that distinguished public officer, to state, that a prompt attention was given to the complaint, and satisfaction afforded to the citizens who felt aggrieved.

The sincere attachment of this State to the Government of the Union, cannot fail to excite a deep interest in the success attending its administration ; and it is with pleasure that I am enabled to congratulate you on the present prosperous state of our national concerns. The general anxiety produced by the depressed state of the revenue, has measurably subsided, by the favorable reports of its augmentation.

The success which has attended the exertions of that meritorious class of citizens, engaged in manufactures, notwithstanding the obstacles and

difficulties they have encountered, is noticed with much satisfaction; and it is to be hoped, by that encouragement which may reasonably be expected, our supplies and our revenue, which heretofore have rested upon a precarious foreign commerce, may be drawn from a source, profitable to the citizen, and safe to the government. An enlightened and enterprising people cannot long be satisfied with a system of regulations, in which a favorable market for the varied and principal productions of every part of the country, and the different interests of every class of citizens, is not duly regarded. The good sense of community will discover, that the nominal price of the wares in market, is not so important as is the possession of the requisite means, to defray the expence of the purchase. This subject is one which has not heretofore been passed unnoticed; and is now only referred to, in the hope that some salutary effects may issue from a frequent recurrence to the claims of the great portion of the useful and industrious citizens of this section of our country.

The unanimity which has hitherto apparently prevailed amongst the freemen of this State, in placing me in the responsible station I now occupy; and which I hope will ever be remembered with gratitude and delight; has induced the belief that it is probable, without a manifestation of my desires, I may again be honored with the suffrages of some portion of my fellow citizens: I have therefore deemed it my duty to request that I may not again be considered a candidate for the office.

Oct. 11, 1822.

RICHARD SKINNER.

SPEECH OF GOV. VAN NESS—1823.¹

Gentlemen of the Council and of the House of Representatives: Elevated to the office of chief magistrate of an intelligent and virtuous people, by their free, and almost unanimous suffrages, I embrace the earliest moment to record the assurance, that an honour so highly distinguished, and at the same time so cordially conferred, has inspired me with sentiments of the warmest gratitude to my fellow citizens, and the sincerest devotion to their interest and happiness. And having just added the obligations of an oath, to those already imposed upon me, I assume the station which has been so honourably occupied by those who have gone before me, with the deepest impressions of the responsibility incurred, and with the utmost reliance upon the liberality and indulgence of my constituents, in whatever faithful exertions I may make, in the discharge of the trust committed to me. And to none of the others who have preceded me will it be intended as any disparagement, if I mention with peculiar feelings of respect my immediate predecessor.

In casting our eyes over the condition and prospects of our common country, we find on every side abundant cause for gratitude to heaven, and felicitation to ourselves. It is but forty-seven years since the United States first claimed the rank of an independant nation, and but forty since that rank was acknowledged by the government whose dominion they had renounced. During this period, the improvement of our country, and the increase of her population and her wealth, have been without a parallel. With a government which was erected by the sages of the revolution, upon the broad and durable foundation of equal rights, and which stands the loftiest monument of human wisdom, and the most humbling spectacle to tyrants, we enjoy a liberty unknown to any other

¹ From printed *Assembly Journal* of 1823.

people on the face of the earth. And being at peace with all the world, and likely at present to remain so, we are favoured with every opportunity to attend to the internal improvement of the country, and to the regulation and promotion of her various and permanent interests.

But with all this prosperity, and the possession of these valuable privileges, we cannot overlook a source of regret and apprehension. We are still dependant on foreign nations for the supply of much that we consume, and the sale of much that our soil produces. Hence we are necessarily exposed to the privations and losses incident to the changes that take place in our relations with them, and even in their relations with each other,—and the consequent fluctuations and interruptions of their markets. And from the unfavourable course of trade in regard to us, our citizens are supposed to be already many millions in their debt, while there is much reason to fear, not only that the amount will be increased, but that it will have to be paid in a manner the most disadvantageous to this country.

The manufacturing interest of the United States has been left to struggle with obstacles which it can never overpower, until the encouragement afforded to the importation of foreign goods shall be withdrawn, by a sufficient increase of duties, or by direct prohibitory regulations. This, it is believed, might be done without invading the just claims of foreign commerce, considered in connexion with the indisputable rights of the other great interests of the nation. On the success of our manufacturing industry depends essentially the prosperity of agriculture, as by the establishment of manufactories is created a market for the articles necessary for manufacturing and for subsistence. And there appears good reason to justify the opinion, that by cherishing the resources of our own country, and protecting the industry of our own citizens, we might soon be able, without going abroad, to obtain a ready and comfortable supply of our wants, and to find a profitable and steady market for our produce. But if, on the other hand, we should persevere in the course we have been pursuing; if no barrier is erected to the vast importations of foreign merchandize, by which the exertions of our manufacturers have been systematically paralyzed, and the debts, as well as the habits of extravagance of our citizens, constantly increased, it would seem that a period cannot be far distant, which will overwhelm us with difficulties of a most serious and alarming nature.

I am aware that the regulation of this subject belongs to the national government; but it is nevertheless the right, if not the duty of the state authorities, to express their views on a question of such vital and general importance to the country. And while this is done with due respect, no impropriety is perceived in doing it with that frankness which ought to characterize all the acts of the representatives of freemen.

It is however by no means to be inferred from the remarks I have made, that a liberal confidence is not esteemed to be due to the administration of the general government; at the head of which is a patriot of the revolution, who has devoted the greater part of a long life to the faithful service of his country, with a zeal and ability that have not been surpassed, and with a firmness which has never yielded to difficulty, or been dismayed by danger; and who has moreover himself recommended a policy more favourable to the great cause of national industry. With an extensive territory, a variety of climate and soil, a difference of habits and customs, and twenty-four sovereign states, all independant of each other, though subject to one general controul, it is not very strange, however much to be lamented, even allowing the purest motives to all concerned, that local and temporary interests should occasionally coun-

teract exertions, and retard the adoption of measures, calculated to promote the lasting honour, and permanent welfare of the nation.

And it is a principle of which we should never for a moment lose sight, that notwithstanding the state authorities may sometimes differ in sentiment with the general government, as to the wisdom or propriety of its proceedings, they are not in such cases the less under obligation to render obedience and respect to the measures of the latter, and to afford the necessary aid to carry them into effect. The men who are called to administer the general government, belong to the same political family with those who compose the state governments, and chosen to office by the same people. It is by means of the general government alone, that the states can act, or move a single step, on any occasion however interesting to their general concerns. And it is to that government only, that they can look for defence and protection in the hour of danger, whether assailed from abroad, or at home. How important it is then, that the national government should be sustained in all its parts, and in its utmost vigour; and that we should frown upon every attempt to degrade it, by treating with disrespect any of its measures, or to weaken it, by creating distrust in either of its branches.

Although remote from the nations of the old world, and sheltered from the fury of the storms that agitate them, yet we cannot behold with indifference the enslaved and degraded state of the people who compose them, and the outrages which are committed on their rights. Every American breast must beat high with sympathy at this crisis, for the Greeks and the Spaniards; the former of whom are bravely struggling to break the iron fetters of their slavery, and to reassume a rank among the nations; and the latter are endeavouring, though it is feared but too feebly, to defend their constitutional liberties, against the rude encroachments of lawless and despotick power.

In calling your attention to the immediate concerns of this state, I am not sensible that any material alterations in the laws relating to any department of the government, could be beneficially made at this time. And it is now too well understood to be questioned, that such alterations should be resorted to only in cases of pressing and manifest necessity. The stability of laws is next in importance to their wisdom. Yet so great is the desire of mankind for change, and so predominant their ambition for the character of reformers, that they are seldom at a loss for subjects to act upon, and even after starting upon slight and apparently judicious amendments, their zeal will frequently urge them to overleap the bounds prescribed by themselves in the outset, and in their progress to sweep all before them, until they have prostrated the fairest institutions, and the most valuable systems. Let us therefore endeavour to be strict and deliberate, in our necessary examinations of the laws, and when we plainly discover any real defects, to be satisfied when those are provided for.

Knowledge and virtue are the main pillars of a free government; and the only foundation on which they can stand, is education. The founders of this state, to whom we owe a great veneration, appear to have well understood this important truth. It is declared in the constitution, that "a competent number of schools ought to be maintained in each town for the convenient instruction of youth, and one or more grammar schools be incorporated in each county in this state." Laws have been from time to time passed for the establishment and regulation of common schools, and for the appropriation of funds to their use; by which instruction has been afforded at a low rate, and in some instances almost if not entirely free, for at least a part of the year. Grammar schools and academies have been instituted throughout the state; and ample provi-

sion has been made for dispensing the benefits of collegiate instruction. A system has been built up which has shed its influence on every part of the community, and given the people of this state, taken together, a superiority in point of useful knowledge and sound information, over the population of most, if not all the states in the union.

But while we should not neglect to extend the hand of patronage to the higher studies of literature, as valuable parts of an admirable system, it is that branch of education which is the offspring of the common schools, that we are under peculiar obligations constantly to guard, and anxiously to cherish. The instruction imparted by these schools is both necessary and sufficient for the common purposes of life, and constitutes the preparation for the easy attainment of those higher branches, which are acquired at our academies and colleges on the most reasonable terms. By being rendered so cheap as to be within the reach of all, the diffusion of intelligence becomes universal; and many who would otherwise grow up without any education, are raised from the state of degradation to which the misfortunes or vices of others may have reduced them, and prepared to become useful and virtuous members of society. And besides, it opens the way for the humble and the poor to advance, by industry and perseverance, to further attainments, and to the honours and emoluments of publick employment; and by raising their condition, and bringing them into associations with those who are higher and richer, it leads to the closer and more permanent connexions in life between them; thus tending to preserve that equality in society, which is so just in itself, and so consistent with the simplicity of genuine republican principles.

By a recent decision of the supreme court of the United States, in relation to the rights of lands originally granted under the Crown to the Society for the propagation of the Gospel in foreign parts, and afterwards claimed by this state and the rents arising from them appropriated to the use of schools, it appears to be settled that the society is to recover the property, and consequently that the schools in a considerable number of towns are deprived of a portion of their support. In consequence of this circumstance and being satisfied of the utility of the measure on other grounds, I would recommend that a particular inquiry be instituted in relation to the schools; and if it should be found expedient to raise additional funds for them, that it may be done by an increase of the tax directed to be annually assessed for this object, on the polls and estate of the people, by the act of 1810. I know of no other way in which anything further can be effectually done; and there is, in my view, no injustice in compelling the rich to contribute to the education of the poor. There can be no doubt, that the little which is taken from them, by its effect in improving and elevating the society around them, renders more safe and valuable that which they retain, and enables them to enjoy it with a greater degree of comfort and pleasure.

Before I part with this subject, justice requires the notice of an institution, uniting civil with military instruction, which has been reared, and advanced to great usefulness and prosperity, by the talents and exertions of a single individual, and which is not only highly honourable to the state, but ranks with the most respectable seminaries in our country.¹

Agriculture is our leading employment and principal support, and deserves every attention and encouragement that can in any manner

¹ The allusion was to the late Capt. ALDEN PARTRIDGE, and his Military Academy, which is still continued at Northfield.

tend to the advancement of its permanent prosperity. As it is the most ancient and the most useful, so it should be viewed the most honourable of all employments. And the general diffusion of this sentiment, and the cultivation of an habitual regard for it, will be sure to conduce to the welfare of the state.

Considerable improvements have been made, within a few years, as it respects the tillage of the soil, and the breed and treatment of domestick animals. These have proceeded, in a great measure, from the spirit of emulation and inquiry excited by the establishment of agricultural societies. To the same source may be traced an improvement in that commendable industry in families, which is directed to the manufacture of articles of clothing, from materials produced on their own farms. These societies do not generally continue to be supported with the same zeal that originated them, though the good effects thus far produced by them, will no doubt be lasting. If it should be considered of much consequence to have them kept up, and their exertions continued to advantage, it would be expedient to afford them some aid, by which they may be better able to distribute premiums, that being one of the most effectual means of their usefulness.

On the subject of manufactures I have already expressed myself. But I would add, that I deem it important to afford every facility to manufacturing establishments, by acts of incorporation, by reasonable exemption from taxes, and by whatever other means may be within our proper sphere of action.

By rendering every part of the state easy of access, the advantages for trade, agriculture and manufacturing, would be widely extended. The effect also in promoting settlements by immigration from other states, would be highly beneficial. A due attention therefore to the measures necessary for improving our roads, and opening new ones wherever they would be useful, is among the most essential of our duties.

A strict regard to economy in the publick expenditures is at all times requisite in the just administration of a republican government. It is peculiarly so in this state, where the means for defraying the expenses of the government are chiefly taken by taxation directly from the earnings of the people. This should be constantly and strongly impressed on our minds.

The militia should always be regarded with interest. They must ever be the reliance of the country, in times of trouble and danger, until a sufficient regular army can be raised; and even after that, it may be necessary for them to co-operate with the regular forces. But without proper organization and discipline, they are feeble, if not useless. A wise and prudent legislature can never be inattentive to their condition.

In the appointments to office, it is of no small moment that great circumspection should be observed. Every consideration should be discarded except those immediately relating to the character and qualifications of the candidates. These remarks apply with the most force to the Judges of our courts; for to them are entrusted the decisions upon our property, our character, our liberty and our lives. The character of a state is generally determined by that of its officers; and a disregard of the latter cannot easily fail to degrade the former. And it being through our courts that the citizens of other states hold much of their intercourse with us, the judiciary, probably more than any other branch of the government, raises or sinks the respectability of the state.

In the year 1817 a law was passed directing the Secretary of State to ascertain the number of deaf and dumb persons in this state, and their ages and situations in life. By a report made the next year, it appeared there were then seventy persons of that description; that thirty-five of

them were of the proper age to be admitted into an Asylum for education ; and that twenty-nine of the latter class were in indigent circumstances. Nothing has yet been done by the state towards the education of these helpless and unfortunate beings, whose deplorable condition cannot fail to excite the deepest sensibility. I would at this time present their case to your particular notice, in the hope that some means may be devised for their relief.

Permit me, before I close, to congratulate you on the prospect which is opened to us by the completion of a canal communication between Lake Champlain and the Hudson river. This great work has been exclusively accomplished by the noble and munificent spirit which has animated a neighbouring state, and which shines with still greater splendour in an undertaking far more grand and stupendous, though not so immediately interesting to the people of this state. A new era has indeed burst upon us, when we can hear of the arrival of vessels at the city of New York, from the northern extremity of Vermont. The immense value of such a communication to this state will soon be extensively seen and felt in the different branches of business carried on within it.

I would only remark further, that as faithful depositories of the publick interest, we should use our utmost endeavours to divest ourselves of all political and personal prejudices and animosities, and to cultivate in their stead the kind and elevated feelings of mutual confidence and good will ; to allay all jealousies and dissensions of whatsoever kind, among the people at large, and between the different classes, trades and professions, and to inculcate a general spirit of union and harmony ; to promote industry, economy, temperance, morality and religion ; to keep steadily in view that we are not raised to office for our own advantage or aggrandizement, but to serve with our best faculties the interest of those whose agents we are, and to whom we have to account ; and finally, we should implore, with becoming reverence and humility, the blessing of the great Ruler of the universe upon all our labours, for without that, however well intended, and well directed, they will surely be in vain.

C. P. VAN NESS.

Montpelier, Oct. 10, 1823.

SPEECH OF GOV. VAN NESS—1824.

Gentlemen of the Council, and of the House of Representatives:—The unequivocal approbation which my fellow citizens have been pleased to manifest of my past conduct, by selecting me a second time, with increased unanimity, to preside over the affairs of the state, is calculated alike to enhance my feelings of gratitude, and my obligations of duty. But being, as I trust, fully sensible, that the strength of these feelings, and the influence of these obligations, are to be tested, not by professions, but by actions, I shall pass over the former, and rest myself upon the latter.

The affairs of the nation continue peaceful and prosperous. And since our last meeting, an act has been passed by the government of the United States, for the encouragement of American manufactures, which, although falling short of the just expectations of friends of domestick industry, it is to be hoped will lead to further measures, and in the end prove to have been but the commencement of a system, that alone can exalt this nation to that lofty eminence, which, by a wise direction of her resources, she is destined to occupy.

The principal duties required of us, on the occasion of our annual assemblage, are, such improvements and alterations of existing laws of the state, and the passage of such new ones, as may have been proved by experience to be necessary and important, and may be called for by the changes in the condition of society; a vigilant superintendence over the fiscal concerns of the state, both as it respects the just levy, and the economical expenditure of the public funds; the improvement of the channels of communication between the different parts of the state, and with other states; the exertion of all the means within our power to promote the interests of trade, agriculture and manufactures; the appointment of honest and capable men to fill the public offices; a strict attention to the state of the militia; and a watchful care over the condition of our schools, and learned institutions.

As it respects one or two of the subjects just enumerated, it is thought necessary to be somewhat more particular. Notwithstanding the laws relating to the militia were revised in the year 1818, several additional acts, containing alterations of the principal act, have since been passed, by which a system that ought to be plain and simple, is rendered intricate and complicated. The system also being considered still defective, and not being in all respects conformable to the laws of the United States, another revision at the present session would be beneficial. If you should conclude to act on this subject, whatever committee it may be referred to, will be furnished with such suggestions as may be deemed necessary or useful.

So too with regard to the laws for the organization and support of schools. Besides being scattered through the statute books, they might be improved in that efficiency of regulation which is essential to the usefulness and prosperity of these valuable establishments. These therefore might likewise be revised to advantage.

But what is more important, the funds provided by existing laws, and from which great benefits have certainly been derived, I am satisfied, are yet inadequate to afford those facilities of education to all classes of the community, which every good government ought to provide. The universal diffusion of early education is so indispensable to the promotion of social order, of morality, and religion, and to the maintenance and permanency of republican institutions, that its cause demands our most decided and vigorous support. I feel it to be a duty therefore not to be dispensed with, to recommend that the amount now directed to be annually raised by taxation, be increased. The state has no public property to appropriate to this object; but the property within it, though owned by individuals, must nevertheless be reached, in order to sustain the public burdens, and to fulfill the public duties and obligations. And I now repeat, what I remarked the last year, that there is no injustice in compelling the rich to contribute to the education of the poor.

Although in general opposed to great and radical changes in the public laws of the state, yet I would respectfully submit to your wisdom, whether the time has not arrived which will safely admit of some modification of the relations between the creditor and the debtor. The power which the former has long been suffered to exercise over the person of the latter, whether his conduct has been honest or fraudulent, is at variance with the mild policy of our laws in all other respects, and is repugnant to the best feelings of the human heart. That some difficulties may in the outset present themselves in regulating the details of a system calculated to afford the appropriate relief, is not to be denied. At the same time we ought well to reflect, before we should, by that consideration, be deterred from approaching a subject, whose claims to our attention are founded in the firmest principles of justice and benevolence.

But whatever may be your views as to the propriety of any interference, or the extent of the relief that should be provided, considering the question in a general light, it is not perceived on what ground any objection can be made to the passage of a law exempting females from imprisonment on matters of contract. The spectacle of an honest and unfortunate female confined in a common jail, with persons of all descriptions, or even at all restrained of her liberty, because she may be unable to fulfill a contract, must create the most painful sensations in the mind of every feeling and honorable man; while on the other hand, the confinement of one of an opposite character, under like circumstances, cannot be otherwise than disgusting in its aspect, and demoralizing in its tendency, and is therefore equally to be avoided. For the honor of the state I can say, that I am not aware of the frequency of cases of either description; but they do sometimes happen. The bare circumstance, however, that the law will admit of their occurrence, is, in my opinion, in this instance, sufficient to justify the alteration proposed.

In pursuance of a resolution passed at the last session, in relation to the deaf and dumb, Mr. George P. Marsh has been appointed to collect the information required, and will, it is presumed, make a satisfactory report. And I beg leave to express my solicitude, that the session should not be permitted to pass by, without some efficient measures for the benefit of this neglected class of our population.

Under the resolution respecting the rights of land originally granted to the Society for the propagation of the gospel in foreign parts, a correspondence has taken place with the Hon. Daniel Webster, the counsel employed on behalf of the state to defend the suit against the town of New Haven, for one of those rights, which will without delay be laid before you.

Various resolutions have been received from several of the states, which will be seasonably communicated to you. Those from the state of Alabama, recommending General Andrew Jackson for the Presidency, and those from the state of Tennessee, disapproving of the practice of nominating candidates for President and Vice President of the United States, by Congressional caucuses, cannot require any measures on the part of the legislature. This state will soon be called on, in a constitutional way, to express her choice of persons to fill the offices of President and Vice President; and in doing so, it is believed she will not fail to evince a proper regard for her own character, or the interest of the Union. The subject of congressional caucuses is one over which we have no authority; and it is moreover undeserving of the importance that has been given to it. It is an impeachment of the understanding, as well as the independence of the people of the United States, to suppose that they would not elect the most suitable men to the first offices in the government, because others may have been nominated by an assemblage of members of Congress; or that they would disregard the just claims of any candidate, merely for the reason of his having such a recommendation. The subject belongs to the people; and there is no reason to doubt that they will properly dispose of it.¹

In addition to the ordinary business of the session, it will be necessary to appoint some person to represent this state in the Senate of the United States, for six years, from and after the 3d of March next.

The period is also at hand when electors of President and Vice President of the United States are to be appointed, and it is for the legislature to direct the manner in which this shall be done. The practice in this state has heretofore been for the two houses, by joint

¹ Wm. H. Crawford was the caucus candidate in 1824, and was not elected.

ballot, to appoint the electors, in pursuance of a concurrent resolution, previously adopted for that purpose; no law having existed on the subject. The constitution of the United States provides that "Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the state may be entitled in the Congress."

It is doubtful, to say the least, whether by the true construction of the constitution, it was originally intended that the legislatures of the several states should have the right, under the authority to direct the *manner* in which the *state* should appoint the electors, to assume to themselves, or to vest anywhere, distinct from the people, the power of such appointment. But admitting it to have been settled by the practice of several of the states, that it rests with the legislature to decide whether it will itself exercise this power, or vest it with the people, the question recurs, which course shall be pursued? That it was designed by the constitution that the electors should truly represent the choice of their respective states, can surely require no effort to prove. And it would seem to be equally clear, that this choice can be no other than that of the *people* of each state. But how are the wishes of the people to be ascertained unless the electors are chosen by them? There is no other way in which their preference can be expressed; and any assumption of that preference can only be founded on conjecture. The sentiments of a majority of the legislature may, or may not accord with those of a majority of the people; and if the electors are appointed by the former, it follows, that a vote may be given in behalf of the state, directly contrary to its wishes. If, then, the people have no voice in the appointment of electors, they are, in a great measure, out of the question, in the election of the most important officers in the nation. With these views, I am of opinion that a law ought to be passed, providing for the appointment of electors by the people. If you should conclude to adopt the course recommended, it will still remain to be determined, whether the election shall take place by a general ticket, or by districts. The former appears to me to be the proper mode. The constitution declares that "each *state*" shall appoint its number of electors. *All* the electors therefore should be appointed by the *state*; not some by one portion of the state, and some by another. It was designed that the election of a president should be by states, each state having in the first instance a number of votes equal to her number of Senators and Representatives in Congress, which is nearly on the basis of population; and if the election should come into the House of Representatives, then the states to be equal, each having one vote. In choosing electors by districts, the most populous and important state in the Union, and which it was intended should have a correspondent weight in the electoral vote, might be thrown entirely out of the scale, by a division among its electors. The election by states, and by general ticket in each state, exhibits a union of the federative, and the popular principle, happily adapted to the organization of the general, and the state governments. For while the power and importance of the states are preserved, the popular voice, by the appointment of electors, has a controlling influence over the election.

The main argument which has usually been relied on in favour of district elections, is, that by a general ticket the people are compelled to vote for men of whom they may be ignorant, while in each district they will generally have a personal knowledge of the candidates. This argument, yielding to it all the weight that is claimed for it, is still light compared with those on the other side of the question, as applicable to the appointment of Presidential electors. But it assumes for fact an

ignorance in the people, the existence of which is by no means admitted. Their information and intelligence on all subjects connected with the affairs of the government, and their knowledge of the moral and political characters of that class of citizens from which the electors are usually selected, are believed to be such, as to preclude the idea that they are not capable of making an advantageous choice by general ticket, throughout the respective states. I am aware that a proposition like that now submitted, was before the legislature at the last session, and was dismissed. But there is reason to believe that the decision was principally produced by the consideration that there was no necessity of acting on the subject until the present session. At any rate, I am convinced that no designs hostile to the wishes of the people, as it respects the selection of a President, were entertained by the members on that occasion.¹

The recent arrival of General La Fayette in the United States, is an event that deserves our notice. This respected and venerable patriot, at an early age, left his country, and his family, and, for purposes the most noble and benevolent, sought his way to these then troubled shores. He found the people in a state of bondage, and placing himself by the side of their first chief, assisted to lead them through the wilderness, to the enjoyment of freedom and independence. He returned to his own country, and after an absence of forty years, has come once more to visit that which he gloriously served in his youth. He finds, indeed, that of his old associates, comparatively few, like himself, have survived the wreck of time, and remain to greet his arrival, and to talk over the perils and the glories of their former days. Yet he finds the children of those who have descended to the tomb; and the hearts of these swell with affection and with reverence for the friend and companion of their departed fathers. But above all, he finds himself owned by the whole nation, as one of her earliest and most distinguished benefactors, and is cheered by an universal burst of gratitude and of love from one extreme of the Union to the other. An invitation to the General to visit this state, previous to his return to France, while it is but a faint tribute of respect due to him, would doubtless be agreeable to the people in general, and could not fail to be peculiarly gratifying to those veterans among us, who participated with him, though in humbler stations, in many of the scenes which have associated his name with the history of our independence. And from the fact that he would meet with some of those venerable patriots, we may be permitted to indulge the anticipation, that his visit would not be wholly destitute of interest to himself.

Having thus concisely and frankly submitted to you my views on the various subjects which I have deemed to be essentially connected with the welfare of the state, I have only to add, that by pursuing a course, dictated by our best judgments, and controlled by upright intentions, we have the best ground to flatter ourselves, that, under the superintending care of that Providence whose divine countenance we should ever seek, the happiness and prosperity of the people will be promoted, and the character and respectability of the state improved and elevated.

C. P. VAN NESS.

Montpelier, October 15th, 1824.

¹ Oct. 25, 1824, an act was passed carrying out the views of Gov. Van Ness, and it has in substance been retained ever since. The electors for that year, however, were appointed in joint committee of the two houses, the electoral act not taking effect until the election of 1828.

SPEECH OF GOV. VAN NESS—1825.

Gentlemen of the Council, and of the House of Representatives:—In assembling to discharge the duties of the respective trusts confided to us by our fellow-citizens, we should not delay the acknowledgment of our sincere gratitude to Almighty God, for the happy circumstances, and the flattering prospects, under which we are permitted to meet.

Our country steadily and rapidly advances in her march to that elevation, which she appears destined to reach, and which constitutes the highest happiness, as well as greatness of a nation. 'The administration of her government has, indeed, passed from the hands of the last revolutionary patriot, who will probably ever direct her course.' But it is a source of great felicity, that the succession has fallen on a statesman and patriot of the present day, whose transcendent talents, extensive experience, and purity of character, furnish an unfailing pledge, that, under his guidance, her progress, to say the least, will be unimpeded and untarnished.¹

In confining our view to this state—our constitutional sphere of action—we are then by no means destitute of solid grounds of gratification, and of pride. There is abundant evidence of her increasing progress in wealth and population, and in the cultivation of the mind, and the morals; of the improvement of her agricultural, manufacturing and commercial interests; and of the prevalence of an unusual degree of harmony and good feeling, throughout the whole community.

As the representatives of the state, to whom are entrusted, for the time being, the protection of these interests, and the preservation of these blessings, let us not lose sight of the confidence reposed in us, or the responsibility we have assumed. Regardless alike of every consideration of fear, or favour, we should pursue the way marked out by the constitution, prompt in our decisions, though not rash, and firm in our purposes, but not stubborn; aiming only at the main objects of our appointment—the permanent prosperity, respectability and happiness of the state.

The views which I have heretofore expressed to the legislature, on the subjects of education, of the militia, and of imprisonment for debt, remain unchanged. These important interests are referred to, as deserving your particular attention.

I do not perceive that we can, with propriety, at this time, adopt any measures for a further increase of the funds annually raised for the support of schools; but it is worthy of consideration, whether the regulations for the expenditure of those funds, cannot be improved, so as to lead to results more extensively beneficial, than are at present produced. A proposition was before the legislature, at the last session, to commence the creation of a permanent school fund, and was postponed to the present. If such an object could be effected, though it were but a small beginning, and with a distant prospect of actual usefulness, the state, at some future day, might be greatly benefitted by it, and have reason to bless the memory of those, who shall have laid the noble foundation.

When we find that the very first clause in the constitution of the United States, pronounces it one of the principal objects of its establishment, to "promote the general welfare," and when we reflect that this welfare is inseparably connected with the diffusion of knowledge, we cannot but be struck with astonishment, that the General Government, with such ample means as it possesses, should so long have delayed to lend its direct and efficient aid to the general purposes of education. In

¹ James Monroe.² John Quincy Adams.

this era of peace, and of increasing attention to the internal condition of the country, may we not be permitted to hope, that the present administration will not suffer to go ungathered so rich a harvest of glory, as would spring from the adoption of measures, by which all the states would be enabled, without pressure to their inhabitants, to impart, to every useful extent, the inestimable blessings of education.

As it regards the militia, if nothing more should be done, there are some difficulties in the execution of the existing laws, which, in my opinion, should be removed by an additional act. These I will point out to the military committee, instead of swelling this communication with their details. I would likewise observe, that, on account of the addition to the number of companies since the act of 1819, which provides for furnishing the officers with the system of military discipline, adopted by law, a further provision of the same nature has become necessary. And as it respects that provision, permit me to suggest the importance of directing that each commander of a company be furnished with a copy of the system, instead of an abridgment of the work merely.

In a special communication, during the last session, in relation to the arms belonging to this state, I adverted to the propriety of collecting, and placing in the custody of the quartermaster-general, all that might remain of 2500 stands of arms received from the United States, and directed by the legislature in 1822, to be apportioned among the several towns and deposited with the selectmen. I am fully confirmed in the expediency of this measure, and recommend that provision be made, the present session, to carry it into effect. The public arms should be kept together, that their number and situation might at all times be known, especially since measures are in progress for the erection of an arsenal.

The report of the commissioners appointed to designate the town in which the arsenal should be located, and to purchase a lot of land on which to erect the same, was received about the first of August last. The town of Middlebury has been fixed on, and five acres of land, selected by the commissioners, have been procured at the expense of individuals, and duly conveyed to the state. The season, however, being so far advanced, I considered it prudent to suspend any preparations for the commencement of the building, and advised the quarter-master-general accordingly.¹

Being authorized by the act which provides for printing the compilation of the laws of the state, to appoint an agent to contract for the printing, and likewise a person to superintend the work, in conjunction with the secretary of state, I appointed Daniel Kellogg, Esqr. to perform those duties. Of the circumstances and progress of the business, you will be informed by the agent.

Under the resolution of the last session, relating to the education of the deaf and dumb, Horace Everett and James Elliot Esquires, were appointed commissioners to carry the same into execution. A report from Mr. Everett will be transmitted to you without delay. Mr. Elliot, in consequence of indisposition, was not able to attend the meeting of the commissioners and the directors of the asylum, at Hartford.²

Having given General La Fayette an invitation to visit this state, in pursuance of the resolution on that subject, he accordingly passed

¹ The act of 1824, providing for a state arsenal, was repealed in 1825. Champlain arsenal, at Vergennes, was built by the U. S. government in 1828.

² For Mr. Everett's report, see printed *Assembly Journal* of 1825, pp. 35-37.

through the state the latter end of June last, entering it at Windsor, and leaving it at Burlington. His time was so limited, that it was not in his power to present himself in any parts of the state, not on the route between the two places mentioned. But as it was, every practicable arrangement was made, to favour the people of the state with an opportunity of beholding this beloved friend and patriot. A particular account of the expenses incurred on the part of the state, will be laid before you.¹

Much anxiety has been manifested, the year past, with respect to the improvement of the navigation of Connecticut river, and the junction of its waters with those of Lakes Champlain and Memphremagog. That these are truly schemes of vast importance, will not be questioned. Our interest is great in all, but in the two latter, it is more exclusive than in the first. The consideration, however, that the state only borders on that river, I trust, will not deprive that part of the subject of a general solicitude throughout the state; as it should always be remembered, that a benefit to any one part of the state, without an actual deprivation to the other parts, is a benefit to the whole. But the connexion of this plan with the other two, if they should all be executed, at once renders it of immediate interest to other important parts of the state, than those in the vicinity of the river.

At this period of internal improvement and enterprize, it is certainly incumbent upon us to take some measures to forward the accomplishment of such public works, in this state, as it would be practicable and expedient to execute. The great advantages of canals, where there is no natural navigation, appear now to be universally acknowledged. The expediency, however, of constructing them, is only admitted, where the circumstances of the country through which they are to pass, or the extent of the navigation with which they are to be connected at the two extremes, will justify the application of the necessary means. Instead, therefore, of wasting the public or private resources of the state, by embarking in, or encouraging projects requiring large funds, and affording doubtful evidence of utility, for the honour of imitating others, more favourably situated, and possessing more ample means, we should proceed with caution—always keeping in view the advantages of the work proposed, if practicable, the means necessary for its execution, and the sources whence those means are to be derived.

In the beginning of May last I received a communication from the secretary of the war department of the United States, stating, that, in accordance with the wishes expressed by the people of the states of Vermont, New Hampshire, Massachusetts and Connecticut, through their representatives in congress, orders had been given, to cause an examination and survey to be made, of the country between Lake Memphremagog and the Connecticut river at Barnet in this state, with a view to ascertaining the practicability of constructing a canal to unite those waters; and also an examination of the Connecticut river, from Lake Connecticut to the tide waters of Long Island sound, to ascertain the practicability and probable cost of improving the navigation of that river; and that an engineer would be at Barnet by the 10th of May, who would co-operate with any engineer or commissioner that might be sent to that place, on the part of this state. Although I felt anxious to evince to the national government our gratification that its attention was directed to objects so very interesting to this state, and our disposi-

¹ The amount was \$564.77, mainly for transportation and express messengers. — See printed *Assembly Journal* of 1825, p. 99; and *Acts* of 1825, p. 44.

tion to afford all practicable co-operation, yet I had no authority to incur expense. But arrangements having been made by individuals to avoid that, I appointed Horace Everett [of Windsor] and Nicholas Baylies [of Montpelier] Esqrs. commissioners, for the purpose above mentioned. Of the progress of these surveys, I have not been advised.¹

In the month of July last, I was furnished with the proceedings of a public meeting, held at this place [Montpelier,] on the subject of a canal to unite the waters of Lake Champlain and Connecticut river, in pursuance of which I addressed a letter to the secretary of war, requesting that a survey might be made, under the direction of that department, to ascertain the practicability and probable expense of such a communication, previous to the next session of congress. This was declined on the ground that the number of surveys in progress, it was feared, would so nearly absorb the funds at the disposal of the department, applicable to such objects, that it was not deemed prudent to make any further surveys the present season. From the interesting connexion, however, already alluded to, of all these objects, and which will exist even in a national view, we have reason to indulge the expectation, that this survey will be made by the United States, in the course of another season. But I am of the opinion, that the state should provide for making it, in case the general government, contrary to our expectation, should still decline to do it. A canal across the center of the state, by any route which probably would be selected, would penetrate, a considerable portion of the way, a fertile and well settled line of country, and form the most important connexions at both extremes. The necessary measures, therefore, to ascertain its practicability and probable cost, should not, under the existing circumstances, be delayed. An examination has been for some time going on, between this place [Montpelier] and Connecticut river, by individuals who feel interested, the particulars of which, it is understood, will be communicated to you, and may be of essential service in your deliberations on the subject.²

The time may not be far distant, when the attention of the state may properly be fixed on other enterprises of a similar kind; but I do not feel authorised to advise any steps of that kind, until it shall have been determined how far, and in what manner, it will become necessary to contribute to the great and paramount objects—the improvement of the navigation of Connecticut River, and its connexion with Lakes Champlain and Memphremagog.

With these views, I would respectfully recommend, that provision be made for the appointment of two commissioners, by the legislature, whose duty it shall be to co-operate and advise, when necessary, with any engineers employed in this state, under the authority of the United States, and to cause such examinations and surveys to be made as the legislature may direct, and also to correspond with the general government, and with other states, on subjects relating to their duties. A suitable appropriation to be placed subject to the control of the commissioners, and a reasonable compensation to be paid to them for actual services.

¹ For the report of Mr. Everett see printed *Assembly Journal* of 1825, p. 38.

² For the report of Araunah Waterman and John L. Woods of various surveys in Vermont, see printed *Assembly Journal* of 1825, pp. 146-148. These early surveys for canals through central Vermont were useful in indicating the lines of railroads which have since been constructed.—See *Appendix C*.

These are all the remarks which have occurred to me as necessary to be made at this time, and I have no doubt of their being received and treated with the same spirit of friendliness in which they have been submitted. And permit me, in closing, to assure you of my cordial co-operation in whatever measures you may, in your united and better wisdom, deem it proper to adopt, calculated to serve the public interest, however different they may happen to be from any which I have recommended.

C. P. VAN NESS.

Montpelier, October 14th, 1825.

SPEECH OF GOV. BUTLER—1826.¹

Gentlemen of the Council, and Gentlemen of the House of Representatives:—The recent election, made by the enlightened freemen of Vermont, has laid me under obligations deeply affecting, and called me to the performance of duties that ought to excite and bring into action all the powers I possess, for the promotion of the public good. The approbation of my fellow citizens of my past services in subordinate stations, in which they have heretofore placed me, implied by their suffrages in the present election—a favor I have never sought, never expected, but has been freely given—I view as the greatest reward in their power to bestow. It is received with the deepest gratitude. As to the future, the same honest intentions that have marked the past, will direct my conduct. I should, however, shrink from the trust assumed, but for reliance on that kind, overruling Providence, from whom I have so often found support, and upon your good will, indulgence and co-operation. With the hope of these, I engage in the work before me.

Those who are the best acquainted with my past conduct will expect a frank disclosure of my own views on every occasion when duty requires it. In making a few remarks, not so directly connected with the ordinary duties of legislation, but of no less vital interest to the community, apology may be thought necessary; and the only one I can make, is the ardent desire felt for the future prosperity of our country. However conscious I might have been, that my talents were capable of doing but little good or hurt, opportunities for both have not been wanting. Ever since the adoption of our constitution, with the exception of three or four years, I have constantly had a direct concern in the legislation of this state, or that of the general government. Neither was the freedom of our country obtained without my participating personally in her sufferings. Thirty years ago, fears were suggested that the great body of the people of this country would not at this time find themselves in possession of those political privileges which they now so richly enjoy. At that early period, I firmly resolved that my own conscience should never upbraid me with aiding the loss, if it must be sustained. To that resolution I have adhered; and with a view to perpetuate those privileges, is the object of these remarks.

Our country has struggled through trying scenes. They have all terminated in our political prosperity, and resulted in the stability and permanency of our institutions. At present we see her rapidly advancing to that high eminence of national importance to which she evidently is destined. The people in every part of the Union are in the full enjoyment of all that liberty which the honest can desire, both civil and religious; with the exception only of that unfortunate class of the human species, held in servitude in some of our sister states. But it is confi-

¹ From the printed *Assembly Journal* of 1826.

dently hoped, that the time is not far distant when those states may deem it expedient, in accordance with the philanthropic feeling of benevolent individuals and societies, to join heartily in their complete emancipation, in such a way as shall be consistent with the safety and peace of community.

In no other part of the world are the principles of freedom so well understood or so fully enjoyed. We have just cause to consider ourselves the most favored of the human family; and nothing can or will stop the current of this favor, unless it is obstructed by our own vice and folly. Let the constitution of the United States be held sacred; let none of its fundamental principles be altered or undermined; let no amendment take place until its necessity is obviously shown by experience; let the government continue to be justly and wisely administered, and we may then expect the perpetuation of our national prosperity. If morality and piety continue to prevail, the elections by the people will make it manifest. The national legislature will be composed of men possessing integrity as well as wisdom; such legislators will never betray the trust reposed in them. As the same freemen also elect the members of the state governments, the same desirable result must follow as to the internal concerns of the respective states. It was integrity of heart and sound morality that guided our fathers in all their sagacious exertions to obtain for themselves and their descendants those peculiar privileges we now enjoy. Information is of much use, but will only produce its legitimate fruits when united with morality, and all who are engaged in its promotion, by their precepts and example, are affording constant aid to good government.

The general government has given the fullest proof of its ability and intention to protect our country from foreign aggression, and while it continues that just and magnanimous course it has hitherto pursued, we have nothing to fear from abroad. In the executive of that government we have entire confidence, founded on the best proof that the same policy will be adhered to, during the present administration.

The numerous attempts lately made, to amend the constitution of the United States, will naturally call the attention of the state governments. A subject so deeply interesting to *all*, will not escape the jealous concern of *any*. Much might be apprehended from such proceedings, were less reliance placed on the national and state legislatures. So long as the great body of enlightened freemen are in the belief that they now enjoy all the liberty and security that human government can afford, we deem our country in no danger of those evils that would be the natural consequence of an ardent desire of change.

Permit me to add, that the people of this state have manifested as strong attachment to their *own* institutions as those of the United States. During thirty-three years, we have lived and prospered under our present constitution. Repeated attempts have been made by a small minority to amend or change that instrument, but, on every occasion, the powerful voice of an overwhelming majority hushed all to peace,—silenced all complaints. The short periods for which all our elections are made; the easy and silent manner in which all are discharged from the public service, have been the means by which the common sense of a well-informed community has been carried into every department of the government. Our institutions, elections, manner of legislating, customs and laws, are as strictly republican now as thirty years ago. We have greatly increased in numbers, in wealth, in the arts and sciences, and at the same time equality and friendly intercourse is maintained between all professions and classes of citizens in our state, beyond example. Submission to the laws has been as

uniform,—piety and morality as much encouraged, and find as sure protection here as in any section of the world. Whence, then, the desire of change and thirst for novelty? In depressed circumstances they are highly useful, but in a state of unexampled prosperity, if indulged, will prove ruinous. Community at large has a deep interest in every act of the legislature, and unborn millions may be affected by its decisions. In all the appointments you have to make,—in all the deliberations in which you engage, your own responsibility should steadily be kept in view.

While calling your attention to the immediate business of legislation before us, I am not sensible that any material alterations in the laws relating to any department of the government could be beneficially made at this time. It seems now to be well understood, that alterations should be made only in those cases pointed out by experience. When these are provided for, let us stop.

The manner in which the two houses have transacted the business of legislation as pointed out by the statutes on that subject, has given universal satisfaction to the people. They need no alteration to promote and cherish the good understanding which has heretofore existed; and the friendly feeling that so fully prevailed the last session is highly important to our constituents.

Religious liberty, so well understood and so fully possessed in this state and so firmly established by ancient laws, has produced many salutary effects. Laws so just in themselves, and so safe for all, could not fail to remove complaint and promote friendship between the different religious denominations in community, and peace among the people.

Our judiciary system has been often amended, altered and changed. The laws now in force are of recent date,—the people have not yet had sufficient time to form a correct opinion of their ultimate effect. Let the system remain undisturbed for the present, and in process of time, experience will mark the path of duty to be pursued by the legislature on this subject.

The laws regulating and governing the militia will claim your serious attention. They have been so lately revised and amended, that hopes are entertained that no alteration will be found necessary at present. Much reliance, however, must be placed on information yet to be received from different parts of the state, by gentlemen who have been actively employed in carrying those laws into effect.

Vermont has never been inattentive to the great interests of education. This appears in all the grants of land made, and in the numerous acts passed, having for their object the instruction of youth. The exertions made on this subject have proved salutary, in a high degree.

At present, the people in this state are as well informed as in any part of the Union. A matter of such importance will ever be kept in view by every wise legislature. The act of the last session, making provision for a permanent fund for the support of common schools, is highly commendable; and if any means can be discovered by which its resources may be increased, the measure will meet the approbation of our constituents, and, in some future day, be highly applauded by their descendants.

Expenses of making and repairing highways are very great, and much importance attaches to our laws on the subject—the public at large are interested in the improvement of those in use, and that others should be made where they are needed. Laws should be such that all may view their duty and interest united. The act passed Nov. 3, 1810, directing the disposition of fines imposed on towns for not keeping their roads in repair, appears to be unwise. It has often been the ground of

encouragement to neglect present duty by the inhabitants of some parts of a town, in the hope that a large fine might be imposed, the expenditure of which would be useful to themselves and expensive to others, who had been more industrious. Principles similar are contained in the act passed Nov. 2, 1821, but in the case provided for in this act, they appear unexceptionable.

If it should be thought inexpedient, still, to abolish imprisonment for debt, yet something may be done to render commitments less numerous. Was the creditor made liable for all those expenses now chargeable on the town, where the indigent debtor has settlement or happens to reside, commitments would be less frequent, and much cost saved that ought never to have been made. The justice and utility of the measure unite in recommending it to your consideration.

The appointments you have to make are numerous and important. The peace and prosperity of the state will in no small degree depend on the wisdom manifested in this branch of your duty. Integrity and ability united in the same person, are the highest recommendations for office, and should be kept in view, in every appointment. In addition to the ordinary appointments to be made, this session, a senator must be elected, to represent this state in the senate of the United States, for six years from and after the 3d of March next. Provision must also be made to carry into effect the 43d section of the constitution of this state, by an act, regulating the choice of a council of censors, and fixing the place of their first meeting.

For more than twenty years past, the legislature of this state has uniformly manifested its disapprobation of raising money by lotteries for any purpose whatever. Last session, large sums were offered for the privilege of selling tickets and drawing lotteries in this state; but every proposition of the kind was rejected, and it is believed, the great body of our citizens are in sentiment opposed to raising money that way; indeed, the principles of morality in Vermont must suffer a sad decline, before this species of gambling will be sanctioned by the government, or approved by the people. The numerous sales of lottery tickets made within the last year, has not been a little surprising to many, and especially to those who had personal knowledge of all that took place at the last session. If the construction be correct, lately given to these grants anciently made by the state to raise money by lotteries, by those who are principally concerned, it is difficult to say, when the business will stop. I would suggest for your consideration, the propriety of appointing some suitable person to bring the whole subject before the proper authority and obtain a legal decision as to all the grants on which reliance is placed for support in this speculation. At the same time, protection may be afforded to many who are exposed to pecuniary penalties. This would accord with justice and sound policy.

Economy is of importance in all the concerns of private life; without it, no individual can long be prosperous or happy. It is as essential in the affairs of governments. It has marked the general course of former legislation in Vermont, and it is presumed the present assembly will not be less frugal in the expenditure of the public treasure.

Experience has shown the propriety of confining legislation to its legitimate objects. Considerable expense to the public, and great inconvenience to individuals, have already been the result of indiscretion on this important subject.

All communications to me, from any source, proper for your consideration, will be seasonably laid before you.

To conclude, let us reflect on the past, and make a wise improvement of the experience we have had. This will assist us in our future prog-

ress, and teach us how to profit by our own mistakes. Let every one faithfully adhere to the dictates of his own conscience, and however great the diversity of opinion, individually expressed, may be, the result will be the united wisdom of the whole,—and all may hope for the blessing of Divine Providence on our exertions for the promotion of the public good.

I shall often go wrong through defect of judgment. I ask your indulgence for my errors, which will never be intentional; and your support in maintaining peace and good order in society—and I humbly beseech God our Saviour, whose we are, and whom we ought to serve, to bestow his blessings on our labors, our persons, and our constituents.

EZRA BUTLER.

SPEECH OF GOV. BUTLER—1827.¹

Gentlemen of the Council, and Gentlemen of the House of Representatives:—

Called by the suffrages of the people, I again engage on the duties assigned me. On the present occasion permit me not only to acknowledge my obligation to the freemen for their continued confidence, but my gratitude to Him who has protracted my life, and continued the prosperity of the state another year. The instances of mortality constantly thinning the ranks of those accustomed to legislation, cannot fail to remind us all, of the slender tenure by which we hold office and life.

It is necessary that the business for which we have assembled, should be prosecuted with decorum, deliberation and despatch, in order to promote the interests of, and give general satisfaction to the people. On the wisdom, by you to be manifested, in the numerous appointments you have to make, will the reputation, the peace and morality of the state, much depend.

Education is of too great importance ever to escape the notice of wise legislators. Many among the well-informed have thought our laws deficient as they regard the expenditure of public money raised for the support of common schools—that a proper board should be appointed, in each county or town, for the examination of those who are to be employed as instructors; and that every town should appoint suitable persons to visit the schools. Should it be thought that an act to effect these objects, would render the expenditure of public money more useful to community, you have the example of some of our sister states for your encouragement in trying the experiment.

To the subject of lotteries the attention of the legislature was called, last session. Permit me to ask your further attention to what was then communicated; for I have seen no just cause for altering the opinion then expressed. The act of that session is, in my view, of doubtful tendency. And should it prove as salutary as its supporters expected, it can never close the door against the admission of an evil allowed on all hands to be highly demoralizing in its tendency. The money received by the state, although expended for the best of purposes, will, never, fully compensate community for the various species of immorality that will have received encouragement.

A bill entitled “An act to abolish imprisonment for debt,” published with the acts of the last session, will claim your attention. The subject has repeatedly occupied the consideration of the legislature; and although the object is desirable, yet the manner in which it can be effected with safety to all concerned, seems not to have been discovered. The bill, in its present shape, is too complicated to answer the best purpose.

¹ From the printed *Assembly Journal* of 1827.

It would increase litigation rather than discourage it—embarrass the administration of justice, rather than promote it. If concealment of property should be constituted a crime, and punished with severity as such, executions might issue against the property only, of the debtor, with as much safety to the creditor, as the constitution, or justice require. This subject is important—it has engrossed the minds of many for years past, and if nothing further should meet your approbation, I hope the propriety of compelling the creditor to provide for the support of his debtor, during his confinement, will be duly considered.

Our statutes will all pass in review before you. But it should be kept in mind that every unnecessary alteration is, not only perplexing and inconvenient in the administration of justice, but often the occasion of injurious mistakes. Where the necessity of new enactments has become obvious, let us act without fear; but with due caution.

For some months past, several engineers, in the employment of the general government, have been engaged in examining different routes for canals in this state; but as to the result of their labors no information can at this time be given.

A communication has been received from the ordnance department of the United States, by which it appears there is now ready for the use of this state one thousand five hundred and nineteen muskets, as its quota for the four years last past. If desired, other arms or accoutrements, of equal value, will be furnished. These arms will be sent to any designated place in Vermont to which they can be conveyed by water. As the arms are not wanted for present use, I have delayed to direct their removal to any place in this state; and will still wait the order of the legislature in relation to them.

Permit me here to suggest the propriety of landing these arms at Burlington; and that they be brought from thence to some place to be provided for that purpose, near the seat of government, and kept in good order until wanted for use. Should the proposition meet your approbation, provision must be made to carry it into effect. The legislature will then have opportunity to know the actual condition of the arms, from year to year, without further expense or inconvenience. In no part of the state can they be more secure, or to every part more readily distributed, should the unhappy necessity of using them ever occur. It is to be feared that most of the arms heretofore received from the United States will be of little further use to the state, should no additional attention be paid to the subject. But those now to be received are, doubtless, in good order, and may easily be preserved in that condition; and as the number will from time to time be increased, your attention to the subject seems the more necessary.

Several resolutions from our sister states have been received, which will in due time be submitted for your consideration.

The people of this state can never remain indifferent observers of the proceedings of Congress, or the course pursued by the Executive of the general government. And we have too much confidence in the rectitude of our motives, and correctness of our views, to conceal them. So far as the public good may require, they should be made known. Let every state in the union do the same, and it may be of some service to that government on which we all depend for national security, and the protection of our rights. The dereliction of duty in the last Congress, so well calculated to impair the confidence of the public in the national legislature, is matter of serious regret. For that body to refuse protection to the industry of a majority of the people, when the necessity had become too obvious to be mistaken, is just cause of complaint; for it is wounding to the laudable pride of our country. Had no other import-

ant interest been neglected, the wound would have been less painful, and might have been borne in silence. However for the present, we can but cherish the hope, that by the next Congress all just cause of dissatisfaction will be removed, and the confidence of the people again restored to the Legislature on whose wisdom and integrity the United States are, in so high a degree, dependent for her prosperity.

The preparations making for the next presidential election seem to have brought to view political doctrines that will, when reduced to practice, endanger the stability of our institutions, and tend to their final overthrow. Among others that, in my opinion, are dangerous, this is not the least, that it is improper and unsafe to give any man a second election as President, however just, wise and prosperous his administration may have been, for the first term. This idea is novel, and I am inclined to think the remark has been hastily thrown out with but little consideration, and will, when duly examined, be retracted. There can be no better guide in politics than past experience. Look at the present prosperous condition of the United States — three successive administrations continued eight years each: one after another steadily progressing in prosperity and credit at home and abroad. Is all this to be forgotten in our future march? Or shall this instructive lesson be improved as a lamp to our path? It is true no one can say what would have been the consequence if Jefferson had not received his second election; and Madison, and Monroe, had shared the same fate; and all three, one after another, had been dismissed from public service at the end of their first term. But all must know, that the state [nation] would have lost twelve years' service of those able statesmen; and that too not the least useful part of their services. Add to this the hazard and risque, of selecting three new candidates to serve four years each. Let the candid decide whether the doctrine that has heretofore prevailed is not more safe for the country than that against which I contend. Due consideration will convince any one, that it is unjust as well as unsafe. There is no other way in which the great body of the freemen can express their approbation of the first four years' administration, but by a second election. Should that take place, and should the same course be pursued the last four, the president leaves the chair of state with the sealed approbation of the nation — his reputation is secure forever, as it ought to be. Not so with him who receives no second election. A direct stigma is cast either on his person or his policy. The disgrace must follow him to the close of life; and in the present condition of society, would be visited on his descendants. Would it have been just for the country to have treated either of the exalted individuals I have named, in the manner lately proposed to treat every one who may hereafter occupy the chair of state? Had the constitution been so framed, or should this idea so prevail that a second election can never take place, the honest patriot would always be deprived of the reward he most esteems for all his services — there would be no way left by which the people are distinctly to decide whom they approve and whom they disapprove. The good and the bad, the wise and the simple, are all alike to be thrown aside as useless lumber. Is this just? But the injustice to individuals has not been the occasion of these remarks. The increased dangers to which our institutions would be exposed is that which most deserves our attention. The doctrine against which I protest, in its practical operation, would in all cases deprive the state of the services of the ablest statesmen, at a time when they would be most capable of being useful, and perhaps too, at a time when their services would be indispensably necessary to preserve the country from distraction, and the government from dissolution. Again, the reins of govern-

ment must be committed to new hands once every four years ; and if the views of some are to guide us, they ought to be taken, not from the cabinet, but from some other employment or station, in which they have had little or no acquaintance with the duties they now have to perform and direct. On every occasion of the kind, heretofore, we have given the reign to no man until he had been well disciplined, and had become acquainted with the duties he had to perform ; and had given evidence of his ability and integrity. It appears to me there is some risk in placing the power of the nation in unexperienced hands, every four years. It may be further observed, that to unite the public mind on any individual to fill that most important office, is no trifling undertaking. The subject has, on every occasion, employed the talents and pens of our ablest and best citizens, with the deepest concern. And to this subject the ambitious and designing will *never* be inattentive. If it has been so difficult to concentrate the public opinion once in eight years, will it not be much more so, to unite on a new candidate once in every four ? The danger of electing incompetent and designing men, is greatly increased. Double the number must be elected—the more frequent the draughts, the more difficult the choice—and still more doubtful whether it will be good. The more I have thought on this subject, the more fully I am confirmed in the opinion so often expressed by the people of the United States—and that the same opinion will still prevail, we are not inclined to doubt.

The unbending integrity, the wisdom and prudence, of the administration of the general government, as it richly merits, so it will receive the approbation of a sagacious, enlightened, and virtuous community. Every year furnishes additional evidence of the wisdom manifested in the last presidential election. The wise and prudent course, pursued by our government, for twenty-four years previous to that auspicious event, has been faithfully observed, by those now at the head of the government. The American system must, and will be supported ; or the retrograde march of our country will soon commence.

Every exertion made by the legislature, to promote the interest of the state, as connected with that of community at large, will receive my cordial support.

EZRA BUTLER.

SPEECH OF GOV. CRAFTS—1828.¹

Gentlemen of the Council, and Gentlemen of the House of Representatives:—In obedience to the will of the Freemen, as manifested by their suffrages, I enter upon the duties prescribed by the constitution and laws of this state. This distinguished mark of the confidence of my fellow-citizens, as well as the very favorable light in which they have been pleased to view my endeavors to discharge the several trusts, with which I have heretofore been honored, excites my sincerest gratitude—and demands from me a pledge, that whatever talents I possess will be faithfully exerted, to promote the interest, the honor, and the prosperity of the state.

Our happy relations with the General Government, by relieving us from all concern in legislating on subjects connected with our intercourse with foreign nations—with commerce, and other subjects affecting the general interests of our country, renders your duty, as legislators, comparatively simple and easy. To provide for the prevention of crimes—for the protection of our persons and property—to promote the moral and social virtues—and to appoint the necessary officers to administer

¹ From the printed *Assembly Journal* of 1828.

and execute the laws, are the principal subjects which will require your consideration. Happily our civil and criminal codes, devised by the wisdom and perfected by the experience of preceding legislatures, are so well adapted to the protection of our persons, our rights, and our property, that it is even doubtful whether the public interest requires any alteration, either in their principles, or in their application.

The circumstances, under which I meet you at this time, will be my apology for omitting to lay before you any particular statement of the condition of our public institutions; or to notice any communications from the General Government, or from the Executives of our sister states, which may have been received by my honored predecessor. These, with any other information, necessary for your consideration, when received, will be made the subject of special communication.

As our social and political institutions can be sustained and perpetuated, only by the general virtue and intelligence of the community—it is our indispensable duty, as members of one great political family, and guardians of the generation which will soon fill our places on the active theatre of life, to make such provision for instruction, as will qualify our youth to discharge the important trust which will be committed to their care. Our youth can be considered in no other light than as children of the state, having a common interest in the preservation of, and in the benefits to be derived from, our free institutions—and possessing also, whether rich or poor, equal claims upon our patriotism, our liberality and our justice. It is, therefore, our paramount duty to place the means for obtaining instruction and information, equally within the reach of all. The act to provide for the support of common schools, passed at the last session of the General Assembly, although, in some respects, an improvement upon the laws previously in force, seems to fall short of carrying into full effect the benevolent intentions of the General Assembly—an equal benefit to all, from the apportionment of the money raised for the support of schools. This arises, principally, from the unequal sizes of the different school districts, and from the discretion given to the districts to raise money. The great inequality in the number of scholars, in different districts, produces a like inequality in the amount of schooling. Whilst some districts contain from eighty to one hundred scholars, others, not unfrequently, contain only from twenty to thirty; and as the public money is distributed according to the number of scholars, the opportunities for obtaining instruction will be alike disproportioned. The power given to districts to raise money is, frequently, from parsimony, want of ability, or from other causes operating upon a majority of the district, but sparingly exercised. It is believed that these evils may be avoided, and the opportunities for receiving instruction rendered nearly equal to all, by requiring the towns to arrange their several school districts, so as to contain, as near as possible, a similar number of scholars; and directing the selectmen, instead of three cents on the dollar, to assess such an amount on the list, as will, including any school fund such town may possess, amount to a definite sum on each scholar; which sum ought to be sufficient to provide the necessary schooling, in each district, for the year. With these alterations, it is believed, the provisions of the act of the last session of the General Assembly would be productive of the most beneficial effects.

For several years past, petitions for the incorporation of banks have been presented to the General Assembly; and it is probable that similar petitions will be presented at the present session. It is conceded that, in commercial towns, banks are necessary, if not indispensable: and that the various operations of commercial transactions, requiring the frequent use and interchange of large sums of money, could hardly be

effected, without the aid and facilities afforded by these institutions. Yet, in an inland country, almost exclusively agricultural, the necessity for banks is considered as much more questionable. It will not be contended that a certain number may not be sustained, within this state, without any material injury to the interests of the people; or that, in some respects, they may not prove beneficial—particularly, in supplying a uniform and known circulating medium. But this number has its limits, beyond which any increase will prove injurious. And whether the number, already established, falls short of, or exceeds those limits, time alone must determine. The motives, which influence men to apply for these incorporations, partake less of patriotism and a desire to benefit the community, than to procure a profitable investment of their money. And so long as such investment shall yield a fair profit, so long the property of the bank will be owned by men of capital, who will conduct their concerns in a manner which will preserve the reputation of the institution. But as every additional bank, by dividing the business, must, necessarily, lessen the profits, and, of course, the inducement to hold bank stock; it is to be feared that the stock, when it shall no longer be productive, will pass into the hands of unprincipled speculators, who, regardless of the interest of the community, will be tempted, as has frequently been done, to adopt such measures as will bring distress and ruin in their train.

These observations are not made with a knowledge of any improper transactions of the banks now in operation within this state: but, on the contrary, it is believed, that the stockholders have conducted the concerns of their several banks, as much to render them acceptable to the public, as to promote their own private emolument. As there are no known data, whereby to determine the number of banks which may be sustained, within this state, without compromising the welfare and interest of the community, it becomes your duty, as guardians of the rights and interests of the people, to act with great caution on a subject, from which, under present circumstances, but little of benefit can be expected, but which may be productive of the most disastrous consequences.

Among the subjects which annually require the attention of the General Assembly, are applications for land taxes, for the purpose of making roads in the several towns. This mode of taxation had its origin in the early times of our government; and whilst the townships were but partially settled, and, generally, not divided into severalty, the taxation of lands, by the quantity, without reference to their value, for the purpose of rendering them more accessible to settlers, might be, not only a fair, but perhaps the only mode by which taxes on lands, so situated, could be collected. But, at the present time, the situation of the state is materially changed. There are few towns in which the comparative value of lands is not apparent and well ascertained. And whilst some lands, by their proximity to settlements, and to public roads, or from the improvements made upon them, are become very valuable, other lands, lying on mountains, destitute of roads, and often unfit for cultivation, are of little value, it has become desirable that a more equal and just mode of taxation should be adopted. I would therefore recommend for your consideration the inquiry, whether the present mode of taxing, by the quantity, ought not to be discontinued; and that all uncultivated lands, situated in organized towns, be made subject, in conjunction with other taxable property, to all taxes for highways, according to their just valuation.

I congratulate my fellow citizens upon the prosperous condition of our common country. In profound peace with all nations—the great interests of our country fostered and protected—our population and

resources increasing at a ratio unprecedented in the history of man — a revenue, collected in a manner the least burdensome to the people, so abundant as to defray the ordinary expenses of our national government, to contribute largely to the permanent defences and internal improvements of our country, and rapidly to reduce our public debt — and a government which bears so lightly on the people as to be felt only in the consciousness of the security it gives. This unexampled prosperity, in connexion with the civil and religious liberty enjoyed under our free institutions, places within the reach of the citizens of the United States greater means for happiness than ever fell to the lot of any other people. Yet, in a section of this so highly favored country, there are at this time restless and aspiring characters, some of whom have stood high in the estimation, and have partaken largely of the confidence of their fellow-citizens, who, from disappointed ambition, sectional prejudices, or from other motives as little patriotic, and as regardless of the peace and prosperity of their country as of their own political reputation, have publicly advanced doctrines, and recommended measures, hostile to the fundamental principles of our government, and, in their tendency, subversive of the integrity of the Union. That these doctrines, instead of receiving the prompt and decided disapprobation of the public, have, on the contrary, acquired numerous proselytes, must, to the patriot, be matter for astonishment and regret. It is however to be hoped that the sober and reflecting portion of the population of that section, having nothing to gain, but much to lose, by a dissolution of the Union, will be found so great as to render these treasonable and seditious proceedings abortive.¹

There is another subject which I approach with reluctance, but which the solemn duty I owe to my country induces me to notice. It is the bitterness and acrimony, with which the contest for the highest offices in our government is conducted, — and the misrepresentations, slanders, and abuse, which are so unsparingly bestowed on the first characters of our country. That the privilege of electing our rulers — and only for limited periods — a privilege in which the excellence of a republican form of government principally consists, — should be the cause of such an unprecedented agitation of the public mind, must, to the real friends of our institutions, be a source of the deepest regret. It is not my intention, in this place, to enter into any comparison of the respective qualifications of the distinguished men who at this time divide the public opinion, but to lay before my fellow-citizens some of the dangerous consequences, which may ensue to our institutions, from the manner in which this election is conducted. If the highest officers in our government — men of great experience, acknowledged talents, and of the strictest integrity, whose measures, after being subjected to the severest scrutiny, and found to be wise, prudent and promotive of the honor and the best interests of our country, are to be vilified — their characters traduced — their motives questioned, and their acts misrepresented; the time cannot be distant when the wise, the prudent, and the friends to peace and order will retire from the contest; and our offices will be filled with the ambitious, the unprincipled, and the designing. Our form of government is yet but an experiment. For the purposes of defence against foreign aggression, it has been tried, and found to be

¹ The reference here is to the nullification doctrines of South Carolina, and especially to John C. Calhoun, who, as member of Congress and Secretary of War, was cotemporary with the term of Gov. Crafts in Congress.

competent. But whether it is also competent to withstand the corrupting and insidious inroads of prosperity, remains to be determined. There is virtue and intelligence in our country sufficient, if put in activity, to correct these alarming evils. And it is believed, that whenever the people shall be convinced that their liberties are in danger, they will awake from their apathy, and vindicate the cause of morality, of good order, and the honor of their country.

Gentlemen, in all your measures tending to promote the interest, and to increase the happiness of our fellow-citizens, you will have my most cordial co-operation.

SAMUEL C. CRAFTS.

SPEECH OF GOV. CRAFTS—1829.¹

Gentlemen of the Council, and Gentlemen of the House of Representatives:—Being again called, by the voice of my fellow-citizens, to fill the honorable office of chief magistrate of this state, permit me, through you, to tender to them the homage of my deepest gratitude, and to assure them that this renewed mark of their confidence will be met with renewed exertions, on my part, to discharge the important duties assigned me, with a single view to the interest, the honor, and the happiness of the good people of this state.

If we turn our attention to the condition and internal concerns of the state for the past year, we shall find much to gratify the patriot and philanthropist, and abundant cause for thankfulness and gratitude to the Divine Source of Wisdom and Goodness, that the course of events has been so ordered, that no general and desolating sickness has prevailed; that the various application of the industry of our citizens has been rewarded with reasonable profits; that our civil and religious institutions remain unimpaired; and that the state is steadily progressing towards that respectable station among her sister states, which she seems destined to occupy.

Since the last meeting of the general assembly, the distinguished individual who then held the first office under our federal constitution, has retired to private life, and that office has been filled by a gentleman who has rendered important services to our country. Although he was not the favorite candidate of a majority of the citizens of this state, he has been constitutionally elected; and, therefore, it becomes our duty, as members of our great political family, to acquiesce, and to yield that respect and obedience to the acts of his administration, which the constitution and laws of our country require; being, at the same time, at full liberty to discuss the policy of those acts, and freely, but temperately, to express our opinions of the effect they may produce on the welfare and prosperity of our country.

You have been selected, by your fellow-citizens, to devise and adopt such measures as shall promote the general welfare of the state; and, in the performance of this honorable trust, you will find your duties and your powers clearly pointed out in the constitution.

I am not aware that the interest of the community requires any material alteration in our public laws. They appear to afford, under the administration of our courts of justice, an adequate remedy for every wrong; which is the object of law. All laws should be explicit, stable, and duly enforced. Frequent changes tend to create doubt and uncertainty, and promote litigation. No law, therefore, which has received

¹ From the printed *Assembly Journal* of 1829.

the construction and application of its principles, by our courts, ought to be altered, except from a thorough conviction of its inadequacy to accomplish the object for which it was enacted.

Among the important duties assigned you, by the constitution, there is no one that calls for the exercise of a sounder discretion, and a more pure devotion to the public interest, than that of appointing to the several offices prescribed by law. The honor of the state, the peace, the harmony and security of the citizens, all require that no other considerations should be taken into the account, but such as relate particularly to the moral character of the candidate, and to his qualifications to discharge the duties of the office. This course would be honorable to the general assembly, and would, it is believed, have a powerful tendency to allay the spirit of party, which unfortunately prevails. In the early stages of our republican form of government, different degrees of faith in its stability, and a difference of opinion with respect to the legitimate application of its powers, were to be expected. But the experience of half a century has dissipated all doubts of its stability, and has pretty clearly pointed out the general policy, and the great objects of national interest, to which the powers of government ought to be directed. Although the politicians of some of our sister states have contended for a very limited construction of the powers conferred by the constitution of the United States, yet, in this state, so far as my observation has extended, there has been a very general unanimity of sentiment in favor of the liberal construction of that instrument, which has, for many years past, been adopted and applied by the general government. If we are agreed as to the principles and measures of the government, it is difficult to perceive any substantial cause for the existence of political division. It is, therefore, most sincerely to be hoped, that a spirit of moderation and candor will preside in our councils; that the public good will be held paramount to every other consideration; and that there will be an union of exertion to promote harmony and good feeling among our fellow-citizens.

The peace, prosperity and respectability of a community depend, essentially, on the morality, good order and industry of the members of that community. Every measure which will have a tendency to promote such a desirable state of society, is a proper subject for your consideration. Among the causes which tend to impair, if not to destroy it, a free indulgence in the use of spirituous liquors holds a prominent place. The fruits of it are a waste of time and money, and often intemperance, the parent of almost every vice. The general prevalence of this evil has attracted the attention of the friends of virtue, morality and religion, and praiseworthy exertions are making to arrest its progress. The facilities allowed by our laws to the procuring of licenses, have had a tendency to spread the temptation to this indulgence over every part of our country. Whilst these remain, it is very much to be feared that no individual or associated exertion will be able to eradicate the evil. I therefore respectfully recommend the enquiry, whether a higher assessment on licenses for retailing spirits, and a repeal of the eighth section of the act directing the mode of obtaining licenses, and regulating inns and houses of public entertainment, would not, by diminishing the means of obtaining spirituous liquors, be promotive of the cause of morality and good order.

The demoralizing effects of the practice, so general, with officers of the militia, of treating their companies with spirits, on training days, has been witnessed, by many, with regret. This practice has been of so long standing that few officers are disposed to risk their popularity by adopting a different course. It imposes a heavy and unnecessary burden upon the officers, without any adequate benefit to the companies, but often the

reverse—causing frequent instances of intemperance, profanity and strife. It is believed that a law prohibiting this practice, would be very acceptable to the orderly portion of our citizens.

At the last session the superintendent of the state prison was directed to make, and lay before the present legislature, an estimate of the probable expense of so altering or enlarging the state prison that it shall contain at least one hundred and forty cells. This direction was given with a view of making such alterations in the internal arrangements of the buildings as would admit of the introduction of a more perfect system of prison discipline. The prison was constructed according to the most approved plan known at the time of its erection. And so far as the security and labor of the convicts were contemplated, it appears to have fulfilled the expectations formed at that time. But the primary object of punishment is to produce a more beneficial result—the reformation of the convict. To ascertain the best method to effect this benevolent and humane object, has engaged the attention of many of our most enlightened citizens, who have devoted their time and their money to the prosecution of the inquiry. Most of the prisons in the different states have been examined; and the different kinds of discipline, and their effects on the convicts noted, and carefully compared. These examinations have resulted in a perfect conviction, that much, if not the only prospect of success, depends on the internal construction of the building. In our prison, the cells are so few in number, that it has been necessary to confine two or more in a cell—often the hardened villain with the youthful offender; giving them an opportunity for conversation through the night—to recount over their deeds of wickedness—the means used to circumvent the unsuspecting, and to form plans for future depredations on society. In these schools of wickedness, the young are instructed in the whole science of knavery; and, when released, return into society with greater ability for mischief. It has been found, by experience, that by confining the convicts in separate cells, so that when they leave their work-shops, they can hold no communication with each other, and kept in silence and solitude, under a never-ceasing supervision and inspection, these evils have been prevented. In the solitude of their cells, they have much time for reflection, and are rendered peculiarly susceptible to instruction in moral and religious principles. In several of the state prisons, Sabbath Schools have been introduced, and with the happiest effect. Those who could read, have been supplied with Bibles; and, in some instances, those who could not, have been taught to read. If the contemplated alterations should be made in our state prison, and a proper course of discipline maintained, there are strong grounds to believe that a large portion of that unfortunate class of human beings may be reclaimed and restored to society; and, by their industry and good conduct, make amends for their former misdeeds.

In the month of June, I received a communication from Captain Graham,¹ of the corps of Topographical Engineers, stating that he had arrived at Montpelier, with three assistants, and with directions from the Engineer Department to continue the surveys and examinations in this state, with a view to the connection of the waters of lake Champlain and the river Connecticut, through the valley of Onion river. As the engineers were necessarily unacquainted with the topography of the country to be explored, and the object entrusted to them being of general interest, I thought it my duty to designate some person, who had a general knowledge of the country to be explored, to act as agent in behalf of the state. I accordingly requested Joshua Y. Vail Esq., who had been

¹James D. Graham, appointed Colonel of Engineer Corps June 1, 1863.

represented to me as well qualified to perform these services, to procure for the engineers such information as would aid them in the discovery of the most practicable route; and, so far as it might be necessary, to accompany them in their examinations. Mr. Vail has performed these services; and as there is no legal provision for compensation in such cases, his account will be laid before you; and I trust you will feel disposed to make him such reasonable compensation as his services have merited.¹

I have received communications from the executives of several of our sister states, which will be laid before you. Among these are some which, from the importance of the subjects to which they relate, and the high degree of excitement elicited by these subjects, in some sections of our country, it is considered proper to notice more particularly. These communications comprise certain resolutions passed by the legislature of South Carolina, denying the constitutional power of congress to regulate duties on imports, for the purpose of encouraging domestic industry; to construct roads, or roads and canals, in the states, for the purpose of internal improvement; or in any way to patronize, or direct appropriations for the benefit of the American Colonization, or any other Society. These resolutions are accompanied by an exposition of the injurious effects of the tariff upon the interest and prosperity of the agricultural states. Also, a report adopted by the legislature of Georgia, in which the principles advanced in the resolutions of South Carolina are recognized. This report, also, is accompanied by a memorial on the subject of the tariff, addressed to the anti-tariff states, and a remonstrance to the states in favor of the tariff. Also a report and resolutions adopted by the general assembly of Virginia, on the resolutions of South Carolina and Georgia, supporting the constitutional construction maintained by those states, so far as they relate to the powers of Congress to

¹Joshua Y. Vail Esq. of Montpelier received from the state \$68.25, and John McDuffie Esq. of Bradford \$154, for aiding and assisting the U. S. engineers "in examining and surveying a canal route from Onion river in Montpelier, across the heights to Connecticut river, by the way of Wells river."—See *Acts* of 1829, p. 32. Although this and other surveys demonstrated the impracticability of canals across the Green Mountains, they served a valuable purpose in indicating the feasibility of railroads. A few weeks after receiving his pay for assisting in the survey for a canal in 1829, Mr. McDuffie published two articles in the *Vermont Watchman & State Gazette*, affirming the feasibility of a railroad from Boston to Ogdensburgh, via Concord and Plymouth, N. H., Bradford and Montpelier, Vt., to Lake Champlain, and from the lake to Ogdensburgh. Mr. McDuffie was a surveyor of high repute in Vermont and New Hampshire, and the fact above stated indicates that he deserved high reputation. In preparation for the first survey of the Montpelier and Wells River Railroad, the editor of these volumes procured, for the use of the engineer, from Col. Graham, who was then at the head of the U. S. Topographical department, the last copy in his possession of his survey and profiles of the canal route from Montpelier to Wells River village. The Montpelier and Wells River Railroad, at the summit, now passes a very few rods south of Col. Graham's canal line of 1828.

pass laws for the encouragement of domestic manufactures. And also a report and resolutions, adopted by the legislature of the state of Missouri, denying the constitutional power of congress to appropriate monies for the purpose of aiding the American Colonization Society. These resolutions and documents have been transmitted to me, by the executives of those states, with the request that they be laid before the general assembly of this state. These communications are written with great ability, and relate to subjects intimately connected with the great interests and prosperity of our country : and being the deliberative acts of the legislatures of four respectable members of our national confederacy, are entitled to all that attention and consideration which is due to the importance of the subjects, and to the high sources from which they have emanated.

In conformity to the act providing for the publication of the reports of the supreme court, passed at the last session of the general assembly, I appointed James Davis, Esq., to prepare, and cause to be printed and bound, five hundred copies of the reports of cases, decided by the supreme court, during the year ending on the first of October, 1828. By reason of the ill health of the chief justice, and the delay in making out the reports, by some of the others, the printing of them was not commenced so early as would have been desirable. But I have been assured that a volume, consisting of five hundred pages, will have been printed and placed in the hands of the book-binder, by the tenth of the present month. A few copies will, soon after that time, be delivered at this place; and the remainder may be expected before the close of the present session.

By a resolution passed at the last session of the general assembly, it was made my duty to request the governor of Lower Canada to cause to be removed the obstructions across the river at the outlet of lake Memphremagog, so that the water in said lake may be reduced to its former height. I took the earliest opportunity to confer with some of the proprietors of the lands, represented to be injured, and requested them to procure the affidavits of some respectable persons, who were acquainted with the lands, before the waters were raised, to ascertain the quantity damaged, the amount of damage, and the effect produced by raising the waters, on the health of the inhabitants living in the vicinity of the lake. It appeared to me both proper and necessary, that evidence of these facts should accompany my application to the governor of Canada. After several months had elapsed, and the proprietors not having complied with my request, I appointed a special agent, with instructions to procure the affidavits of such persons as he should discover to possess a knowledge of these facts. But, for reasons unknown to me, I have not received any return from the agent; and nothing further has been done. If the general assembly shall not otherwise direct, I shall continue my endeavors to effect the object of the resolution.

I would respectfully invite your attention to the alterations in the act relating to common schools; and to the several acts regulating particular land taxes, which I had the honor to propose at the last session, and which remain undisposed of.

I shall most cheerfully co-operate with you, gentlemen, in the performance of our public duties; and may that BEING, who appoints the destinies of nations, direct us to the adoption of such measures as will secure the lasting prosperity of the state.

SAMUEL C. CRAFTS.

Montpelier, October 9th, 1829.

SPEECH OF GOV. CRAFTS—1830.¹

Gentlemen of the Council, and Gentlemen of the House of Representatives:—In reviewing the internal concerns of the State, for the year past, our attention cannot be withheld from noticing the general comfort and prosperity, that prevail. Under the protecting care of a kind Providence, our citizens have enjoyed a good degree of health, and the produce of the year is believed to be amply sufficient for their subsistence; good order and an increasing attention to education and good morals have prevailed; our civil and religious privileges have been preserved, and every man has been left free to pursue his own happiness, in the manner most agreeable to his inclination, and not inconsistent with the rights and happiness of others. To this general prosperity we have to lament that there are some painful exceptions. The uncommon rains in the month of July last have, in some sections of the State, caused the destruction of a very large amount of property, both public and private, as well as the lives of several of our fellow-citizens; and, in some towns, in addition to individual losses, the cost of repairing the roads and building the bridges will prove so burdensome as to give them strong claims upon their fellow-citizens for aid.

In governments founded by the people for the security of their persons, their property and their privileges, the meeting of their representatives will ever be viewed with the most lively interest; for, coming from every part of the government, they must necessarily possess a knowledge of all the wants as well as the wishes of their constituents. As no human wisdom can devise a code of laws, which will permanently apply to the ever-varying interests and pursuits of civilized man, frequent meetings of the legislature, therefore, become indispensably necessary, to examine the operation of the laws on the various subjects, to which they apply;—to rescind such as are unnecessary, or have proved oppressive in their application, and to provide such others, as the various circumstances of the community may render necessary. Nevertheless, a system of legal provisions, whose application has been settled by long usage, should be approached with great caution, and should be altered only upon mature deliberation and a full conviction that the public interest would be essentially promoted by the alteration.

Our system of jurisprudence had its origin in a foreign country, and in the ages of antiquity, when the civil and political rights of man were imperfectly understood, and but little regarded; being modified so as to conform to our free institutions, we have adopted it as our own, and, as modified, it is, with few exceptions, admirably calculated to protect the rights and interests of the community. That feature in our code, which authorizes imprisonment for debt, when there is no appearance of fraud, seems, however, not to be in accordance with the improvements in jurisprudence, nor in unison with the spirit of the age; and public opinion calls loudly for its removal. This subject has heretofore occupied the attention of the legislature; but as their deliberations were directed principally to cases occurring under debts already contracted, so many difficulties presented themselves in framing a law, that should benefit the debtor without infringing upon the rights of the creditor, that no measures were finally adopted. With respect to debts contracted under the existing laws of the state, and with a full knowledge of the means, provided by those laws, to enforce the payment, it is believed that no alteration, essentially benefiting the debtor, can be made, without violating that provision of the constitution of the United

¹ From the printed *Assembly Journal* of 1830.

States, which declares that no state shall pass any law impairing the obligation of contracts. But to pass a law to exempt the bodies of debtors from arrest and imprisonment, on all contracts to be entered into after the passage of such act, is deemed to be completely within the constitutional powers of the Legislature. The only question that can arise is the expediency of the measure. It might have a tendency to diminish the general credit which prevails through the state; and should such even be the case, it is believed the effect would be beneficial, rather than prejudicial to the community. The subject is respectfully recommended to your consideration.

The education of our youth is a subject always deserving the attention of the Legislature. In communities, where people elect their rulers, and, in effect, dictate and control the general policy, the measures and the laws, that shall exist in such communities, a more general diffusion of information, a more correct knowledge of their rights and their duties, is required than under any other form of government. No person, who does not understand the nature and genius of our institutions, nor duly appreciates the inestimable value of our civil and religious privileges, the necessity of good order, and a due subordination to the laws, is qualified for self-government. Such men often are, and always may be the instruments, in the hands of aspiring men, of acquiring power, or of accomplishing some favorite measures for their own advantage. If our liberties be ever subverted, it will be effected through the agency of the uninformed and unreflecting portion of our population, guided and directed by unprincipled and designing men. Such has been the fate of most of the republics which have preceded ours; and nothing will prevent our own from a similar fate, but a general diffusion of virtue and intelligence among our citizens. The mode of instruction, adopted in our common schools, and, in some degree, in those of a higher order, is directed, more to the improvement of the faculties, than to form and fix the character of our youth. To qualify them to perform the high and responsible duties of freemen, our youth, in addition to the usual course of instruction, should be instructed, also, in the principles of our free institutions, in the social relations and duties, in a love of country, of order, morality and religion, and in whatever shall tend to establish correct habits and principles. With a population thus educated, the liberties of our country will be safe, and will be transmitted to successive generations, in all their purity. If such important results depend upon education, it becomes our imperious duty not only to provide the means, but to direct the application of them in such a manner, as will tend to render our youth virtuous, useful and happy.

The State of Vermont, possessing a salubrious climate, a productive soil, much mineral wealth, an immense amount of water power, and an industrious, enterprising and intelligent population, seems destined to become, when her natural resources shall be fully developed, a very important member of our great family of states. But, at present, she is subjected to some serious inconveniences, which not only retard her in her growth, but so sensibly affect the interests of her inhabitants, that numbers are daily emigrating to other states, where these inconveniences do not exist, or are less felt. Situated at a distance from the seaboard, she can have no participation in the commerce with foreign nations; her attention must necessarily be turned to the improvement of her internal resources. Like the inhabitants of all newly settled countries, the employment of our citizens has been confined chiefly to agriculture, and to the production of such articles as require but small capital; and our surplus production has found a market only in the commer-

cial towns of other states, where they are exchanged for such articles as our necessities or fancies may require. These markets are distant from our inhabitants, from one hundred to two hundred miles; and the aggregate cost to the state for transportation has been estimated to amount to several hundred thousand dollars, annually. Such estimates, from the difficulty of obtaining correct data, cannot be made with great accuracy; but, whatever may be the amount, it is, so far, an actual tax upon production. In other words, those, who live in the vicinity of the markets, obtain as much for their productions as our citizens obtain for similar productions, including the cost of transporting them to market; to which may also be added the cost of transporting home those articles of necessity or convenience, for which our productions are exchanged. Besides, under the present condition of our roads, the more bulky products of agriculture, of our forests, and our mountains, excepting so much as are necessary for the use of our inhabitants, are valueless. The inhabitants of that portion of the state, which is situated in the vicinity of lake Champlain, through the enlightened policy and enterprise of a neighboring state, have, in a great measure, been relieved from the burden, which bears so heavily on the greater part of the State, and is, perhaps, felt the more sensibly by the comparison.

These disadvantages can be obviated only by the creation of some easier and cheaper mode of transportation from the different sections of the State to the market towns. For what is saved in the cost of transportation will be added to the value of our products. The same causes which operate so unfavorably to our agriculture, will also prevent the establishment of manufactures, to any considerable extent. The principal manufacturing establishments of our country have been, and, to be profitable, ever must be, located in those places which possess the greatest facilities for transporting the raw materials, provisions, and manufactured articles. If some safe, cheap and expeditious means of communication with the market towns be constructed, no part of the Union would offer more eligible situations for some branches of manufactures than Vermont. The effect of such establishments would be, to create a home market for our provisions, and raw materials, to increase our population, to render more valuable the products of our labor, and, consequently, to increase the means for comfort and happiness. But until some cheaper mode of communication shall be effected, we cannot reasonably expect any considerable amount of capital to be invested in manufactures, nor the condition of our inhabitants to be materially improved. Although the resources of the State, if gradually applied, might do much towards the improvement of the means of communication within our own limits, yet, to extend them through the intervening states to the market towns, would require very substantial aid from some other source. It would be decidedly an object of such general interest as to come, clearly within the rule adopted by Congress, in making appropriations for roads and canals in other States. In all which works, Vermont, although paying into the national treasury nearly half a million dollars annually, has received no benefit, excepting so far as those works may have added to the aggregate wealth and resources of the nation. If a full representation of all these circumstances were made, we might, with confidence, expect that Congress, upon the same principles, on which it has granted aid to other states, would be disposed to afford also very liberal aid towards the accomplishment of an object of such general utility, and so essential to the interests of this State.

I have felt it my duty to submit these remarks, not with a view that works of such magnitude can be immediately commenced, but as a

subject of examination and inquiry. I would, however, suggest the propriety of an expression of the opinion of the General Assembly upon the constitutionality and expediency of applying the surplus revenue of the General Government, after the public debt shall be discharged, to objects of internal improvement, within the several states, in the ratio of their representation.

In offering these views I have not considered it necessary to express any opinion, as to the particular kind of improvement, which would prove most beneficial, whether by canals, railroads, or by rendering more practicable the navigation of our rivers, nor to designate the commercial towns to which they should lead. All these circumstances must necessarily depend upon the opinion of those individuals, or public bodies, who may be disposed to furnish the necessary funds.

By a resolution of the General Assembly, passed October 24th, 1828, it became my duty to request the Governor of Lower Canada to cause the obstructions across the river, at the outlet of lake Memphremagog, to be removed, so that the water in said lake might be reduced to its former height. Various causes operated to delay an application to the Governor of Canada until the month of January last; at which time, having obtained the necessary information relating to the injury occasioned by raising the waters of the lake, I commenced a correspondence with the Governor of Canada upon the subject. In his reply he informed me he would cause an examination to be made, and, in case the representations should be confirmed, there would be every disposition, on his part, to effect a remedy. Accordingly in the month of June last, I received a communication notifying me that he had deputed a competent person to repair to the lake for the purpose of carefully examining and reporting upon the effect produced by raising the waters, and signifying a desire that the person, so deputed, might be accompanied, in the examination, by an agent on behalf of this State. I therefore authorized James A. Paddock, Esquire, a gentleman possessing the necessary qualifications, to proceed to the outlet of the lake, and, after viewing the obstructions at that place, to accompany the person appointed by the Governor of Canada to the head of the lake, and to furnish him with such facilities and information as would enable him to obtain a correct knowledge of the damages occasioned by raising the waters above their natural level. This examination has been made, and I am informed by a late communication from the Governor of Lower Canada, that the examination had so far confirmed the representations made to him, that he had directed the Attorney General of the Province to take the necessary legal measures to cause the obstructions to be removed. In the performance of this duty I have been under the necessity of incurring the expense of sending an agent to the lake to assist in the examination. As these services were considered necessary, it is presumed the General Assembly will feel disposed to allow the agent a reasonable compensation.

Among the subjects, which will require the attention of the General Assembly, during the present session, is the election of a Senator to represent this state in the Senate of the United States, for the term of six years from and after the third day of March next, in the place of the Hon. Dudley Chace, whose term of service will expire at that time.

There have been forwarded to my care, by the direction of the Secretary of War, one hundred and seven copies of *Abstracts of Artillery Tactics*, and twelve hundred and ninety-six copies of *Abstracts of Infantry Tactics*. There have been also forwarded by the Secretary of State two hundred and ten copies of the laws passed at the first session of the twenty-first Congress. These books have been committed to the

custody of the Librarian and are subject to the disposition of the General Assembly. I have also received communications from the Executives of several of our sister states, which will seasonably be laid before you.

Gentlemen, In all our deliberations, let us look for assistance to that BEING who is able to direct them to such results, as will insure the best interests of our fellow-citizens.

SAMUEL C. CRAFTS.

Montpelier, October 20th, 1830.

APPENDIX B.

PROPOSED AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES, &c.

GEN. ANDREW JACKSON—CONGRESSIONAL PRESIDENTIAL CAUCUSES —THE MONROE DOCTRINE—EMANCIPATION OF SLAVES BY COLONIZATION.

Oct. 30, 1824, communications from sundry States were referred to a committee of the General Assembly, consisting of Robert Temple, Elias Keyes, Isaac N. Cushman and Lyman Fitch. The following introduction to and report of this committee sufficiently set forth the matters considered, and the opinions of the Assembly so far as expressed :

The select committee raised on the resolution introduced by Mr. [Stephen] Haight,¹ on the 30th Oct. referring a certain resolution from the state of Alabama, recommending Gen. Andrew Jackson as a suitable person to succeed James Monroe as President of the United States ; and also referring a communication from the state of Tennessee, enclosing certain resolutions adopted by the legislature of said state, disapproving of the practice of Congressional nominations of persons to be voted for as President and Vice President of the United States ; also a communication from the state of Mississippi, enclosing a resolution by the legislature of said state, approbating the policy avowed by the President of the United States, in his message to Congress dated the second day of December 1823, declaring "that the United States would consider any

¹STEPHEN HAIGHT was a self-educated man, of quick apprehension, and ardent in all his undertakings. He represented Monkton in the General Assembly 1812 until 1823, and in 1824 and 1831, and was an active and influential member ; was Judge of Addison County Court 1818 until 1822, and Sheriff of Addison County 1827 and '8. A very ardent Federalist, he could not forgive John Quincy Adams for supporting a Republican administration in a crisis of the country. Mr. Haight therefore joined himself to the friends of Gen. Jackson, by whom he was made Sergeant-at-Arms of the United States Senate, which office he held until his death in Washington city, Jan. 12 1841, aged 58 years. — *Vt. Historical Magazine*, Vol. i, p. 67 ; and Deming's *Catalogue*.

attempt on the part of the *Holy Alliance* [the monarchies of Russia, Austria, Prussia, England and France,] to extend their system to any portion of this hemisphere, as dangerous to our peace and safety." And also a communication from the state of Ohio, enclosing certain resolutions passed by the legislature of said state, recommending the adoption of a system providing for the gradual emancipation of the people of colour, held in servitude in the United States, by foreign colonization, and corresponding measures, &c. made the following report, viz.

To the Hon. General Assembly now sitting: The committee to whom was referred that part of the governor's speech relating to certain resolutions from the states of Ohio, Mississippi, Tennessee, and Alabama, report, That they accord in opinion with the sentiments contained in the resolutions from Ohio and Mississippi [on slavery, and the Monroe doctrine,] but as the powers requisite for the accomplishment of the objects therein contemplated are wholly vested in the general government, they consider it unnecessary for the legislature of this state to adopt any measures in relation thereto. They further report, that it is inexpedient to adopt any measure or express any opinion upon the resolutions from Tennessee and Alabama. They therefore request to be discharged from the farther consideration thereof. All which is respectfully submitted.

R. TEMPLE, for Committee.

Montpelier, Nov. 8th, 1824.

Which report was read and concurred in, and said committee was discharged from farther consideration of the same.¹

RESOLUTIONS ON SLAVERY.

For resolution on a proposition of Georgia, relating to the importation of persons of color into the United States, see *ante* p. 174.

Resolutions of the states of Ohio, Illinois, Indiana, New Jersey, Delaware, Connecticut, Georgia, Mississippi, and Missouri, on slavery, having been referred to a select committee, Samuel C. Crafts, for the committee, reported the following resolutions, which were adopted Nov. 15, 1825:

Resolved, by the general assembly of the state of Vermont, That slavery is an evil to be deprecated by a free and enlightened people; and that this general assembly will accord in any measures which may be adopted by the general government for its abolition in the United States, that are consistent with the rights of the people and the general harmony of the states.

Resolved, That his excellency the governor be requested to transmit a copy of the foregoing resolution to the executive of the several states, &c.²

¹ Printed *Assembly Journal* of 1824, p. 193.

² Printed *Assembly Journal* of 1825, p. 197.

**PROPOSED AMENDMENTS TO THE CONSTITUTION ON THE ELECTION
OF PRESIDENT AND VICE PRESIDENT.**

IN GENERAL ASSEMBLY Nov. 11, 1826.

The select committee, raised on the resolution from the state of Tennessee, proposing an amendment to the constitution of the United States, in relation to the mode of choosing a president and vice president of the United States—declaring that “each state shall be divided into as many districts as may be equal to the whole number of senators and representatives,” &c.—and that “the persons qualified in the respective states to vote for the most numerous branch of the legislature shall meet and vote for a president and vice president,” &c. passed Nov. 25th, 1825,—to whom also was referred the resolutions from the states of Maine and Indiana, disapproving of said proposed amendment—and also the communications from the states of Louisiana, Kentucky, and Mississippi, relative to the abolition of slavery, and also relative to the importation of slaves into any state contrary to the laws thereof, made the following report:

To the Hon. General Assembly—The committee to whom was referred the communication from the governor of the state of Tennessee, transmitting certain proposals of amendment to the constitution of the United States, adopted by the legislature of said state, together with communications from the governors of the states of Maine and Indiana, with the resolutions adopted by those states, disapproving of the same, report, that in the opinion of your committee, it would not be expedient to amend the constitution of the United States as proposed by the legislature of the state of Tennessee. They therefore recommend to the general assembly the passage of the accompanying resolutions.

Resolved, by the general assembly of the state of Vermont, that the amendments to the constitution of the United States, proposed by the legislature of the state of Tennessee, on the 25th day of November, A. D. 1825, and forwarded to the governor of this state, are not approved.

Resolved, That his excellency the governor be requested to transmit a copy of the foregoing resolution to the executive of each of the United States.¹

IN GENERAL ASSEMBLY Nov. 8, 1827.

The committee raised on the resolutions from the states of Georgia and Ohio, proposing an amendment to the constitution of the United States, made the following report:

To the General Assembly, now sitting—Your committee to whom was referred the resolution of the state of Georgia, passed the 22d day of December, A. D. 1826, so to amend the constitution of the United States as will prevent the election of president from devolving, in any event, upon the house of representatives; and also a resolution from the state of Ohio, passed Jan. 30th, A. D. 1827, disapproving of the foregoing resolution of the state of Georgia, but resolving “that should a constitutional majority of the states composing the Union, or of congress, deem it advisable so to amend the constitution as to prevent the election of president from devolving on the house of representatives, they will use their endeavors to promote such an amendment to the constitution of the United States as will authorise all free white male citizens of the United States, of the age of twenty-one years, to vote for president of the United States; and at the same time, to vote for as many electors as the state may be entitled to senators and representatives in congress; which electors shall, in case no candidate shall have a majority

¹ Printed *Assembly Journal* of 1826, p. 143.

"of all the votes given by the free white male citizens of the United States, of the age of twenty-one years, proceed, forthwith, to elect a president from the two persons having the highest number of votes,"—report the following resolutions—

Resolved, the governor and council concurring herein, That it is inexpedient to amend the constitution of the United States in relation to the mode of electing president.

Resolved, That his excellency the governor be requested to submit a copy of the foregoing to the executive of the several states.

O. C. MERRILL, *for committee.*

Which report was read and concurred in, and said resolutions were adopted.¹

FUND FOR INTERNAL IMPROVEMENTS, AND EDUCATION.

At the legislature of 1827, a resolution of the legislature of Maine was considered, declaring "That if it shall be the determination of the government of the United States to appropriate a part of its revenue for the purposes of internal improvement, in the construction of roads and canals, and improving the navigation of rivers, and in promoting education, it is the opinion of this legislature, that the funds designed for these objects ought to be distributed among the several states, in proportion to their population, to be expended under the authority of their respective legislatures." Orsamus C. Merrill, in behalf of the committee to whom this subject was referred, reported a resolution in concurrence with that of Maine; but on motion of Jacob Collamer, the resolution was laid on the table. Subsequently this resolution was recommitteed, and the committee reported it to be inexpedient to express any opinion on the subject, in which both houses concurred.²

THE CONSTITUTIONALITY OF PROTECTIVE TARIFFS, &c.

At the session of 1829, the governor communicated to the legislature sundry resolutions and documents from other states, which were referred to a committee consisting of Benjamin F. Deming of the Council, and Samuel Elliot, Nahum Peck, Thomas D. Hammond, Silas H. Jenison and Charles Paine, of the Assembly. The report of the committee was as follows:

To the General Assembly, now in session:—The select committee, to whom was referred the consideration of the public documents and resolutions from the states of South Carolina, Georgia, Virginia and Missouri, communicated by his excellency the governor, respectfully report: That your committee have taken the subjects referred to them into their serious consideration; and so far as time would permit, have examined the several documents to them committed, and duly weighed the argu-

¹ Printed *Assembly Journal* of 1827, pp. 174-5. Similar resolutions were adopted in 1829.—See printed *Assembly Journal* of 1829, pp. 178-9.

² Printed *Assembly Journal* of 1827, pp. 175, 193, 213-14, 219.

ments therein comprised ; and so far as they are designed and urged to prove that the existing tariff laws, and all laws enacted by congress for the encouragement of domestic manufactures, and making appropriations for internal improvements, are inexpedient and unconstitutional, your committee are prepared to give their unanimous dissent ; and while in the spirit of frankness and conciliation they offer this result of their deliberations, in relation to these deeply interesting subjects, they are happy to concur in many of the general sentiments and positions advanced in the said documents, in regard to the rights of the several states — the nature of our federal compact, and the general rules which ought to regulate our national legislation.

Your committee are unable to perceive any constitutional obstacle to such laws, or any conclusive evidence of their inexpediency or injurious and oppressive effects upon the southern states, or upon any other particular section of our country.

Your committee have yet to learn, and this by fair experiment, that the tariff laws, now in force, and so zealously opposed by the anti-tariff states, will prove injurious to our southern brethren. We do confidently anticipate a different result. It is believed, that the alarming apprehensions entertained by them, are in a great degree imaginary, and will vanish in the progress of a reasonable practical trial. But even admitting that the laws in question should operate, for the present, less beneficially upon some parts of our country than others, that circumstance may be urged more against their expediency than the constitutional right of congress to legislate on those important subjects. For we can name but few, if any, cases of impost and taxation, that do not bear more heavily upon some portions of our union than others. Some places are enriched and rapidly built up by our commercial and navigation laws, while others scarcely feel their salutary influence. And while many instances of the like partial operation of general laws may be cited, the right and authority of the government in enacting them are not called in question. Nor can your committee otherwise construe the clauses and provisions in the constitution of the United States, so often cited in the discussion of these topics, than as expressly, or by fair implication, giving to congress the powers and jurisdiction herein contended for.

If the sole question under consideration rested upon the expediency and policy of adopting a course of measures for rapidly advancing the manufacturing interests of this country, and going extensively into appropriations for internal improvements, and especially without a just regard to the different sections of the country, there might arise some diversity of sentiment and feeling among your committee. But such has not appeared to be the case. They are satisfied that congress has approached these subjects with great care and circumspection ; and that in such a course, your committee confidently trust, neither our true policy, nor constitutional privileges, have been disregarded or infringed. And they are the more confirmed in this opinion, from the able writings of some of the first and most experienced statesmen and civilians of our country ; and more especially from the recent discussions in congress, where these subjects have undergone the most thorough and critical investigation.

In relation to the proceedings and resolutions in the documents referred to your committee, so far as they deny to Congress the right of aiding the American Colonization Society, they are not aware of any cause of alarm or distrust ; and they deem it unnecessary, at this time, to go into a discussion of that subject.

Your committee do therefore recommend the adoption of the following resolutions, viz.

Resolved, the governor and council concurring herein, That the general assembly of this state, now convened, do *not concur* in the sentiments and views expressed in the documents and resolutions from the several states mentioned in the foregoing report, so far as they deny to congress the constitutional right to regulate the tariff, and to make appropriations for internal improvements.

Resolved, That the governor of this state be requested to transmit a copy of the foregoing report and resolutions to the executives of the several states.

All which is respectfully submitted.

BENJAMIN F. DEMING, *for Committee.*

Which report was read and concurred in, and the resolutions therein contained passed.¹

The foregoing concurred in by the Governor and Council.

PROPOSED AMENDMENT TO THE U. S. CONSTITUTION RESTRICTING
THE PRESIDENCY TO ONE TERM OF SIX YEARS.

At a session of the Legislature in 1829, the governor communicated a proposition of the Legislature of Louisiana to amend the constitution so that "the president and vice president shall hold their offices for six years, and that the president shall be ineligible afterwards." A committee, consisting of Chauncey Langdon of the Council, and Philip C. Tucker, Denison Smith, William R. Shafter, and Nahum Kelton of the Assembly, reported resolutions in favor of this proposition, which were adopted by the Assembly on the 29th of October; but on the same day the resolution was reconsidered, on motion of Samuel Elliot, and so amended as to declare against the proposition, and then the question was postponed to the next session. In 1830, resolutions were adopted adverse to the proposition.²

¹ Printed *Assembly Journal* of 1829, pp. 174-5.

² Printed *Assembly Journal* of 1829, pp. 178-180; and printed *Laws of Vermont* of 1830, p. 29.

APPENDIX C.

INTERNAL IMPROVEMENTS IN VERMONT—1823-1845.

In Vol. I, pp. 116-117; Vol III, pp. 407-418, and Vol. IV, pp. 446-453, the early project of Ira Allen for a ship canal from the St. Lawrence river to Lake Champlain—a project of national importance which still remains to be completed,—of Gen. Philip Schuyler and others for what is now the Champlain canal, and notices of various acts for the improvement of Connecticut river for navigation, have been given. The period embraced in this volume marks the initiation of projects which resulted in the present numerous railroads, traversing the entire length of the state from north to south, on its eastern and western borders, intersected by five lines of road across the state from east to west, through its northern, central, and southern portions: hence it is deemed fitting to notice the humble endeavors which have had such large results.

SURVEYS FOR CANALS IN VERMONT.

In his first speech, Oct. 10, 1823, Gov. Van Ness congratulated the legislature on the prospect opened for the advantage of Vermont by the completion of a canal communication between Lake Champlain and Hudson's river.¹ That event was important in its consequences, not the least of which was to divert to New York city a very considerable portion of the commerce of the state which previously had been divided between Portland, Me., Hartford, Conn., and Boston. Of the Vermont towns on the lake, Burlington was most largely benefited, winning a very considerable trade from northern and north-western Vermont which had been long enjoyed by the merchants of Montpelier.² These results,

¹ See *ante*, p. 443.

² The late Arthur Bostwick, a merchant in Jericho, shortly before his death informed the editor of these volumes that his trade in early years was not with the dealers in Burlington, his nearest considerable town, but with those in Montpelier. "I bought my dry goods of Hubbard & Cadwell, my hats of Watrous & Worthington, and my boots and shoes of French & Harvey." All of these were prosperous traders in Montpelier within the recollection of the editor of these volumes, and the firm first named had been as early as 1799.

as well as the greater cheapness of transportation by water than by land-carriage, stimulated inquiries in Vermont and elsewhere as to the practicability of river navigation by artificial improvements, and the construction of canals from Lake Champlain to Connecticut river, and from that river to Boston, Mass., and Portsmouth, N. H.

The business men of Montpelier entered into these inquiries with much zeal, and enlisted the labors of two of their citizens who were experienced surveyors—the late Hon. Araunah Waterman and Gen. Parley Davis. Assuming that the valley of the Winooski westward was practicable for a canal, their explorations were made eastward, and led to anticipations so favorable as to warrant a survey from the lake to Connecticut river. Accordingly a convention was called with this purpose in view, consisting of delegates from the counties of Chittenden, Washington, Orange, and Caledonia, which met at Montpelier on the 30th of June, 1825.¹ That convention resolved upon a survey from Lake Champlain to Connecticut river; and appointed Araunah Waterman, John L. Woods, and John Downer commissioners to carry that resolve into effect, who employed Anthony M. Hoffman of Swanton as engineer. Mr. Hoffman promptly entered upon his work, and on the 7th of the succeeding November Gov. Van Ness communicated to the legislature a report signed by Araunah Waterman and John L. Woods, two of the commissioners.² The convention also requested the governor to apply to the U. S. Secretary of War for surveys under the directions of that

¹ May 17, 1825, the citizens of Montpelier met and appointed a committee to examine the practicability of a canal from Lake Champlain to Connecticut river. This committee consisted of Araunah Waterman, Sylvanus Baldwin, E. P. Walton, senior, Joshua Y. Vail, and Joseph Howes. The meeting then adjourned to the 7th of June, and met on that day, when a report was made, to the effect that a canal from Montpelier via Wells river to Connecticut river was feasible, and via the Gulf at Williamstown and White river was less so. The committee was enlarged by adding many of the most prominent men of Montpelier, to wit, Samuel Prentiss, Timothy Hubbard, Parley Davis, Nicholas Baylies, Jeduthan Loomis, George Worthington, Timothy Merrill, Calvin Winslow, John Spalding, and Edward Lamb. This meeting called the Convention of the several counties mentioned in the text, which met at the State-House in Montpelier on the 30th of June, 1825. There was a general favor for canals in the state, and meetings were held in many towns, but their proceedings are not accessible. The prominence given here to Montpelier is not simply because their proceedings are accessible, but also because the action of the state and national governments was the result of the propositions made by the men of Montpelier. For the proceedings of all the meetings mentioned in this note, see the *Northern Sentinel* (Burlington) of June 24 and July 15, 1825.

² For this report see printed *Assembly Journal* of 1825, pp. 146–148.

department, to be made previous to the then next session of Congress. An application was made accordingly, but the request was declined at that time for the reason that the surveys then in progress in other quarters would so nearly absorb the fund appropriated by Congress that it was deemed inexpedient to undertake more. The surveys referred to by the Secretary embraced the country between Lake Memphremagog and Connecticut river at Barnet, and also an examination of that river from Lake Connecticut in New Hampshire to Long Island sound, which, with other surveys, were ordered on the request of Congressmen from Vermont, New Hampshire, Massachusetts and Connecticut. Having been notified that the U. S. engineers would co-operate with any engineer or commissioner sent on the part of the state, Gov. Van Ness, in May 1825, appointed Hons. Horace Everett of Windsor and Nicholas Baylies of Montpelier, commissioners, whose expenses were defrayed by individual subscriptions.¹

Nov. 17, 1825, the legislature requested the Governor to apply to the Secretary of War "to direct and employ some suitable engineer or engineers to ascertain the different heights of land and the waters on the several routes in this state, where it is contemplated to make canals and improve the navigation of the waters thereof, and aid the several commissioners of this state to make a survey of them." Gov. Van Ness made an application accordingly, whereupon additional surveys were ordered and made, so as, with previous surveys, to embrace all the principal rivers of the state, and such passes through the mountains as were supposed to be possibly feasible. The *Vermont Watchman & State Gazette* of April 29, 1828, contained Doc. No. 173, from the Engineer De-

¹ See *ante*, p. 451; and for the report of Mr. Everett, see printed *Assembly Journal* of 1825, p. 38. It appears from this report that, in 1825, surveys of canal routes were made from Lake Memphremagog to Connecticut river at Brunswick—two routes, one through Danville and the other through St. Johnsbury, from Barnet to Lake Memphremagog—and from Lake Connecticut to Barnet. Also that Connecticut river had been surveyed from Barnet, Vt., to Hartford, Conn., by a company chartered by Connecticut, styled "The Connecticut River Company." Mr. Everett added, that the routes from Lake Memphremagog to Lake Champlain, Lake Champlain to Connecticut river, Rutland to Lake Champlain, and Manchester to Hudson river remained to be explored. These were surveyed subsequently by U. S. engineers.

² Nov. 11, 1825, an act was passed authorizing the Governor and Council to appoint two canal commissioners, and making an appropriation to pay their expenses—also a small contribution to the fund raised by individual subscriptions for surveying from Montpelier to Lake Champlain, and from the mouth of Dog river to the head thereof. On the same day Robert Pierpoint of Rutland and Samuel C. Crafts of Craftsbury were appointed commissioners.—See printed *Laws of Vt.*, 1825, pp. 32, 147.

partment, communicated to the first session of the twentieth Congress, being the report of a survey by U. S. engineers, for a canal connecting the waters of Lake Champlain, near Burlington, with those of Connecticut river, by the valleys of Onion [Winooski] and White rivers. The conclusion was, that the adequacy of the supply of water was too doubtful to warrant the construction of so expensive a canal as this would be. This report is a fair type of the conclusions of the other surveys in Vermont—the want of a sure and adequate supply of water at each proposed summit, and the great cost of construction, or both reasons, forcing an abandonment of all the schemes of this sort, excepting the removal of obstacles in Connecticut river so far as to permit small steamboats to ascend to the mouth of Wells river—an experiment which proved unprofitable and was soon abandoned. The further and early improvement of the navigation of Connecticut river was strongly favored in eastern Vermont and western New Hampshire in 1825. Numerous town meetings were holden to appoint delegates to a Convention on this subject, at Windsor, Feb. 16, 1825. This Convention consisted of delegates from twenty-five towns in New Hampshire, thirty-seven in Vermont, and one each in Massachusetts and Connecticut. For the proceedings in full see the *Windsor Republican* of January, and the *Burlington Northern Sentinel* of Feb. 25, 1825.

For preliminary survey, in 1825, of route from Lake Memphremagog to Connecticut river, and of that river north from Barnet to Lake Connecticut, see *State Papers* 1st Sess. 19th Congress, Vol. 9, No. 154.

For surveys of the Lamoille Canal, in 1827 and 1828, see *State Papers* 1st Sess. 20th Congress No. 173, and 2d Sess. 20th Congress, No. 118.

For reports on the Passumpsic Canal, Montpelier Canal, and Rutland Canal, and a list of plans and profiles deposited in the Engineer Department at Washington, see *State Papers* 1st Sess. 20th Congress No. 173.

THE INTRODUCTION OF RAILROADS INTO VERMONT.

On the failure of the schemes for canals in New England, and specially that from Lake Champlain to Boston, Mass., and Portsmouth, N. H. the attention of persons interested in internal improvements was turned to railroads, which had then been in successful operation for several years in Great Britain.

In 1826, John L. Sullivan (in 1824-5 one of the engineers associated with the U. S. Board of Internal Improvements) wrote to Elkanah Watson, (then of Albany, N. Y.,) attempting "to demonstrate that transportation can be cheaper from Boston to Lake Erie by this northern route [railroad route from Boston to Ogdensburg,] than from New York [city] to Lake Erie by the canal."¹ The route described in this

¹A correspondence ensued between Messrs. Sullivan and Watson, which is not given in the memoirs of the latter, but the editor of that

letter was from Boston by way of Concord and Lebanon, N. H., to Burlington, Vt.; thence by a ferry to Port Kent, N. Y., and from Port Kent by railway to Ogdensburgh. It will be seen that Mr. Sullivan indicated more than half of the principal route now actually traversed by rail between his two objective points—i. e. from Boston to Lake Champlain. At that time no railway was in operation in the United States, though possibly the construction of the short road from the granite quarry in Quincy, Mass., to Boston had been commenced.

Dec. 8, 1829, John McDuffie of Bradford, Vt., published in the *Vt. Watchman & State Gazette* two articles—one covering an extract from an address by William Jackson, delivered before the Massachusetts Mechanics' Charitable Association, Jan. 12, 1829, on the advantages and reasonable cost of railroads, deriving his data from English railways; and the other designating a route from Boston to Ogdensburgh. This route was the same as Mr. Sullivan's from Boston to Concord, N. H., and from Montpelier to Lake Champlain; but Mr. McDuffie proposed a route from Concord via Plymouth and Piermont, N. H., and Bradford, Vt., to Montpelier.¹

In January 1830 much interest in rail-roads prevailed in Vermont, and meetings were held in Brattleborough, Windsor and Chelsea, and a series of meetings at Montpelier—the last most notable because looking to a railway from Boston to Ogdensburgh, and enlisting favor all along the line for this project, which was finally successful. That scheme

volume states that the vast and magnificent conception of a railway from Boston to the river St. Lawrence was first announced "in a correspondence between *John L. O'Sullivan*, Esq., an eminent civil engineer, and Mr. Watson, in the year 1827." The correspondence was doubtless continued in 1827, but the letter of Mr. Sullivan, describing the proposed route and arguing the superiority of a railroad over the Erie canal, was written in 1826. The date and name were correctly given, with copious extracts from Mr. Sullivan's letter, in an elaborate report made to a railroad meeting held in Montpelier, Feb: 17, 1830, by Gen. Parley Davis, and published in the *Vermont Watchman and State Gazette* of Feb. 23, 1830. JOHN LANGDON SULLIVAN, son of Gov. James Sullivan of Mass., was born in Saco, Me., April 9, 1777, and died in Boston Feb. 9, 1865. Previous to 1820 Maine was part of Massachusetts.

¹ Mr. McDuffie was a surveyor of good repute, who was much employed as such in New Hampshire and Vermont. Having given valuable information in respect thereto, he was employed as an assistant in making surveys for a canal in Vermont, and was paid for his services by the state. He was born at Londonderry, N. H., June 16, 1766, of Scotch descent, and died at Bradford May 4, 1851, having lived to see the near completion of a line of railroad from Boston to Ogdensburgh, and also of one in part on his favorite line—the Boston, Concord and Montreal road.

enlisted the aid of the capitalists of Boston and vicinity on the one hand and of New York city on the other, each for lines in its own interest, by both of which ultimately the construction of nearly all the present railroads in Vermont was secured.

A report made to the legislature of Massachusetts, in January 1830, in favor of granting a charter for a railroad from Boston to Lowell, Mass., was the signal for the action at Montpelier. On the evening of the day on which the fact was published in Montpelier, Jan. 26, 1830, citizens of that town met and appointed a committee to draw up a report on the subject. Feb. 2, the committee reported, expressing the opinion that a railroad "cannot be constructed on any location where it will afford more advantages to the inhabitants of New-England, and the nation generally, than one from Boston, Mass., to Ogdensburgh, N. Y."—concluding with two resolutions: one to call a county meeting, and the other as follows:—

Resolved, That the public good requires vigorous and persevering efforts on the part of all intelligent and public spirited individuals, all friends of their country and of internal improvements, until, by the enterprise of individuals, the co-operation of State Legislatures, and the aid of the General Government, the survey and completion of a route is accomplished, for a National Railroad from the seaboard, at Boston, through Lowell, Mass., Concord, in New-Hampshire, and thence by the most convenient route through the valley of Onion River, to Lake Champlain, and thence to the waters of Lake Ontario, at Ogdensburgh, New-York.

LYMAN REED,
E. [EZEKIEL] P. WALTON, } *Comms.*¹
SYLVANUS BALDWIN,

Hon. Daniel Baldwin was appointed agent to represent the views of this meeting to the Massachusetts Railroad Association; and Gen. Par-

¹ The report and resolutions of this meeting are in the style of Gen. Walton, but Mr. Reed is undoubtedly most largely entitled to credit for inspiring the zeal for a railway which prevailed at that time. Mr. Reed was the author of a series of valuable articles on the subject which were published in the *Vermont Watchman and State Gazette* in April, May and June 1830. He had been a merchant in Boston, but in 1830 resided in Montpelier. Subsequently he engaged in trade in Boston again, and it is probable he is now [1879] living in the city of Baltimore.—See file of the *Watchman*, &c. for 1830, and *Boston Railroad Jubilee*, 1851, p. 132. It is claimed, in the volume last cited, that this is "the First Report in relation to a Railroad from Boston to Ogdensburg, dated February 9, 1830." The true date is Feb. 2, 1830, but it was first printed on the 9th. As this report varies from Sullivan's line of 1826 in leaving the question open in the territory west of Lake Champlain, from McDuffie's in 1829 in leaving it open between Concord, N. H., and Onion river, and in fact covered the line from Boston via Concord to Ogdensburgh as it has actually been constructed, the claim seems to be substantially correct.

ley Davis, Joshua Y. Vail, Araunah Waterman and Sylvanus Baldwin Esqs. a committee to report to the county meeting a topographical and statistical statement of facts on the subject of the proposed road. These gentlemen had been engaged in the previous surveys for canals, and were also well posted for that day on railways. The county convention, consisting of citizens of the counties of Orange and Washington, met at Montpelier Feb. 17, 1830, when the above-named committee, through Gen. Davis, made a report on most of the different routes that had been proposed; coming to the conclusion that a railroad from Boston via Concord, N. H., and Onion river, Vt., to Ogdensburgh, is feasible. Facts and suggestions were also stated on the question whether the transportation on such a road would warrant the cost of its construction. A remarkable point is, that "the productions now [then] transported on the great Western Lakes, would find a quicker and cheaper conveyance to the seaboard at Boston, than they possibly can to the city of New-York." This was the prevailing point in enlisting the capital of Boston and vicinity for the project in 1845. The convention resolved that the proposed railroad merited and required the patronage of the Government; that every lawful expedient should be used to secure a survey thereof, and if found practicable, to have the same constructed in the shortest possible time; that the Vermont delegation in Congress be requested to procure a survey, by U. S. engineers, "for a national Railroad from Boston by Lake Champlain to Ogdensburgh";¹ that a committee be appointed to correspond with gentlemen and associations in furtherance of the object of the meeting, and a committee was appointed, consisting of Araunah Waterman, Joshua Y. Vail, George W. Hill, and Lyman Reed; and that an association be formed, styled "*The Vermont Railroad Association*," which was formed. The above-named committee of correspondence seems to have acted efficiently, securing a series of important conventions, to wit, of citizens of Clinton and Essex counties, at Keeseville, N. Y., March 11—Elkanah Watson in the chair; at Ogdensburgh, N. Y., March 17; at Concord, N. H., April 6; of Chittenden county at Burlington, May 12; and of Franklin county, N. Y., at Malone, May 26. At all these meetings, that at Burlington excepted, the proposal of the Montpelier meeting, for a government survey, was seconded. The convention at Burlington resolved that the resources of *the states* interested were amply sufficient to accomplish the object, at the same time complimenting the elaborate and able report made at the county meeting in Montpelier, and pledging zealous co-operation in the endeavor to excite attention and diffuse information on the subject. The convention which met at Malone suggested a general convention, to be composed of delegates from counties interested, in the states of New York, Vermont,

¹ Nov. 9, 1830, on motion of the late Hon. Jedediah H. Harris of Strafford, the legislature requested the delegation to act in accordance with the above resolution.—See printed *Laws of Vermont*, 1830, p. 28.

New Hampshire, and Massachusetts, and appointed a committee of correspondence on that subject, which, June 8, addressed the Railway Committees at Ogdensburgh, Keeseville, and Montpelier, naming Montpelier as the place and September as the time for the general convention. A few days later the *Boston Patriot* highly commended the proposition. Arrangements were therefore made, and on the 6th of September, 1830, a convention, consisting of 5 delegates from the city of Boston, 10 from the state of New Hampshire, 26 from the state of Vermont, and 7 from the state of New York, in all 48, met at the state-house in Montpelier and continued in session two days. Luther Bradish, of Franklin county, N. Y., afterwards Lieut. Governor of New York, was President; and Albe Cady of Concord, N. H., and John Johnson of Burlington, Vt., were Secretaries. Addresses were delivered by the venerable Elkanah Watson of Port Kent, N. Y., and James Hayward, Henry Williams, and David Lee Child, of Boston; and a paper on improvement in the construction of railroads, by John L. Sullivan, was read. At the close the President made a very elegant and impressive speech, emphasizing the project which had been particularly considered as one of national importance, and predicting that this and other similar projects of internal improvement throughout the country, would serve "as so many new and ever brightening chains to bind more strongly together *all* of the States of this great, highly favored and happy Union." This convention was remarkable as well for the able and distinguished men in it, as for the wisdom of its action.

No part of the railway projected was then constructed, nor was there even a corporation organized, the Boston and Lowell Railroad not having been organized until the next year. The work of the convention was for the future—to elicit facts and enlist influences which would secure success when the time for work should come.¹ The matters resolved upon were an application to the U. S. Government for accurate surveys and estimates for a railway between Boston and Ogdensburgh; the ascertainment of the amount of travel and probable amount of traffic between those points, and also the amount of state patronage and individual subscriptions to be relied upon at a more advanced period of the enterprise; an inquiry into the best mode of operations for the executive part of the work; a future report on the practicability of the enterprise; and an address to the people of the several states interested. For these purposes committees were appointed, embracing men in the several states concerned who were most eminent for their character, ability and patriotism. Jan. 15, 1831, the committee on the practicability of the proposed route, and its prospects for business, made an elaborate and favorable report, which was published in Boston and elsewhere on

¹Among the Vermont delegates were Charles Paine of Northfield, and Timothy Follett of Burlington, who, from 1845 during their lives, were the most distinguished railroad men of Vermont, and both were victims to their zeal in this service.

the line.¹ However far short of the programme of the convention the performance may have been, its proceedings, and especially this report, commanded respectful attention in quarters most interested in the enterprise and able, in due time, to complete it.

The idea of securing national, or even state, aid, for the construction of this important class of internal improvements, was necessarily abandoned, and those who were particularly interested in them were thrown upon their own resources and the voluntary contributions of the people. The State of Vermont, while it could not and would not aid any of the railroads projected, was nevertheless liberal, through its legislature, in granting charters; but the progress in educating the people up to the point of making the sacrifices necessary for success was slow, and charter after charter, extension after extension, became necessary. It is not deemed necessary to recite the various charters, as all are to be found in the printed laws. Suffice it to say, that in the spring of 1845, the commissioners respectively of the Vermont Central Railroad Company, and the Rutland & Burlington Railroad Company, opened offices in Boston and commenced an energetic canvass for subscriptions to the stock of the respective roads. Both formed parts of a line from Boston to Ogdensburgh, and both plead the immense commerce of the western lakes, to be diverted to Boston, as the chief argument to the capitalists of Massachusetts. To reach these, the presses of Boston were engaged; and for three months the late Gen. DeWitt C. Clark for the Rutland & Burlington road, and the editor of these volumes for the Vermont Central road, were employed in discussing, through the daily newspapers of Boston, the advantages of the two routes, as well as the indispensable importance of either to Boston should not the other succeed. The discussion was ardent and exhaustive, developing two zealous parties in Boston and vicinity, and exciting a zeal along the two competing lines in Vermont, which secured the construction ultimately of both roads. The capitalists of Boston were at that time far from appreciating the importance of the western trade,² and it is believed that but for that discussion neither road would have been constructed for some years at least. The results, however, were, that both secured capital for organization in 1845, and both were speedily constructed. The Northern, Cheshire, and Sullivan, N. H., the Vermont & Massachusetts, and the Passumpsic and Connecticut River and the Vermont & Canada in Vermont, all nearly simultaneously were organized. With these all the railroads more recently constructed in Vermont are connected.

¹ For this report see *Vt. Watchman & State Gazette* of Feb. 22, 1831.

² The writer of this paper got up a map of the western lakes, accompanied by a table of tonnage, copied from the official report of the Secretary of the Treasury of the United States, and the statements were so astounding that several merchants of Boston would not believe them, and consequently it became necessary to place in the Boston Exchange a copy of the official report of the Secretary of the Treasury as proof.

APPENDIX D.

VISIT OF GEN. LAFAYETTE TO VERMONT—1825.

Marquis MARIE JEAN PAUL ROCHE YVES GILBERT MOTIER LA FAYETTE was born at Chavagnac, Auvergne, France, Sept. 9, 1757. In his seventeenth year he married a grand-daughter of the Duke de Noailles; and in his nineteenth, though heir to an immense estate, he left his young wife without apprizing her of his purpose, and with Baron de Kalb and ten other officers sailed to join the American patriot army, arriving in April 1776, when he immediately tendered his services to the Continental Congress on the condition that he should receive no compensation. Congress commissioned him Major-General July 31, 1777, and he became a member of Gen. Washington's family. His military services were highly honorable to him, but even more important was the pecuniary aid which he gave from his own property, and assisted in winning from France, for which purpose he made two voyages to that country during the revolutionary war. A fact, interesting to Vermonters, is, that in 1778 an invasion of Canada was resolved upon, by an army under the command of Lafayette, and Vermont was requested to furnish three hundred men exclusive of officers—a request that was promptly responded to by the Governor and Council; but the scheme was abandoned "for the want of means," it has been said.¹ In August, 1784, Lafayette reached the United States for the third time, to visit Gen. Washington; Dec. 3 of that year he took an affectionate leave of the Continental Congress, and on the 20th sailed for France, and was honored with a national salute of thirteen guns. Most of the states passed acts naturalizing him and his male descendants. His career in Europe covered the extremes of high offices faithfully filled, and years of imprisonment; but through it all, he was always for liberty, law and order. A toast, volunteered by him at Boston, June 17th, 1825, is a key to his whole life. It was as follows:

BUNKER HILL, and the holy resistance to oppression which has already enfranchised the American Hemisphere—the next half Century Jubilee's toast shall be, to the whole of Enfranchised Europe.

¹ See Vol. I, pp. 31, 157, 217, 219-221, 223, 225, 258.

He was the acknowledged leader in the French revolution of July 1830, and doubtless could have placed himself at the head of the nation ; but resisting that great temptation, and indeed sacrificing his own republican preferences for the sake of peace and order, he secured the throne for Louis Philippe, and himself served as a representative of the people. He died in Paris, May 19, 1834, in his seventy-seventh year. His son GEORGE WASHINGTON LA FAYETTE, who accompanied his father in the American tour of 1824-5, died at La Grange, the paternal estate, Dec. 1, 1849.

Having been invited by Congress to visit the United States, Lafayette and his son landed at New York city on the 15th of August 1824, and from that time until his departure in September 1825, there was a continued ovation, extending to the guests of the nation the highest honors in every state in the Union, and Congress crowned it by a gift of \$200,000, and also a township of land which was said to be of very much greater value.

In response to a recommendation of Gov. Van Ness, the Legislature of Vermont in 1824 requested the Governor to invite Lafayette to extend his tour to Vermont, and directed the necessary military and other preparations.¹ The following correspondence ensued:

Gov. Van Ness to Gen. Lafayette.

VERMONT EXECUTIVE DEPARTMENT, }
Burlington, Dec. 27, 1824. }

GEN. LAFAYETTE,

Sir,—It has become my pleasing duty, at the request of the Legislature, and in behalf of the people of Vermont, to invite you to visit this state previous to your return to France. It can scarcely be necessary, *Sir*, to assure you, that we should feel both gratified and honoured by such an event; and it is hoped, that it will be convenient and agreeable to you, to comply with our wishes. I have the honour to be, with the highest respect and consideration, your obedient servant,

C. P. VAN NESS.

Gen. Lafayette to Gov. Van Ness.

WASHINGTON, January 15, 1825.

Sir,—I am most highly honoured and gratefully happy in the kind invitation which the Legislature of Vermont, in behalf of the people of the state, have deigned to confer on me, and which your Excellency is pleased to express in terms entitled to my cordial acknowledgments. It has ever been my intention not to leave this side of the Atlantic before I have visited the state of Vermont, in the feelings of which, the first times of our revolution, I have heartily sympathized,² while its services to the common cause were by none better felt than by me, who may boast to have been early distinguished by the kindness of the citizens of

¹ See *ante*, pp. 154, 447.

² Referring to the controversy of Vermont with adjoining states. See Lafayette's reply to Gov. Van Ness at Windsor, to Judge Paine at Montpelier, and Hon. Wm. A. Griswold at Burlington.

Vermont. The long journey I now contemplate to the southern and western states, leaves it uncertain for me whether my visit to your part of the Union will be before or after a sacred appointment to be on the height of Bunker Hill by the anniversary day of June 17th. But I shall certainly in the course of the summer present in person to the citizens of your state, and to their worthy Chief Magistrate, a tribute of gratitude, which I beg your Excellency now to offer to the Legislature whose flattering message is deeply impressed on my heart. I have the honor to be, with the highest respect, your Excellency's obedient servant,

LAFAYETTE.

*His Ex. Gov. Van Ness, Vt.*¹

ADDRESSES AT WINDSOR, JUNE 28, 1825.

Gen. Lafayette and party entered Vermont in the morning of the 28th—the party consisting of the General, his son, George Washington Lafayette, and his Secretary, M. Le Vasseur; the representatives of Gov. Van Ness, to wit, Daniel Kellogg, Secretary of the Governor and Council, and the Governor's Aids, Cols. I. N. Cushman and Austin; Maj. Gen. Lyman Mower and staff; a delegation from the Windsor committee of arrangements, and a committee of the Legislature of New Hampshire. After crossing Cornish bridge, the General was received by the committee of arrangements, when “he was welcomed in behalf of the citizens of Windsor, by H. [Hon. Horace] Everett, Esq. in a short address, to which the General made an appropriate reply.”² Shortly after, the General was introduced to Gov. Van Ness by Mr. Everett, when the following addresses were delivered:

Gov. Van Ness to Lafayette.

General Lafayette—Permit me to tender you the congratulations and the hospitalities of the people of this state, on your arrival within its borders. In the performance of this welcome duty, Sir, the first and most pleasing points which present themselves, are the character and occurrences which have distinguished and adorned your life: your publick and your private virtues—your exalted and inflexible patriotism—your ardent and uniform devotion to the great cause of liberty—and above all, as it regards us, your noble zeal, your disinterested sacrifices, and your eminent services, in that memorable struggle, which resulted in the establishment of the independence of these United States. But to dwell minutely on these, could only be a repetition of what has been a thousand times said and published; and the recital of which, in new and glowing terms,³ has but recently greeted your ear, and, I trust, cheered your heart, at every step, throughout this happy and rejoicing country—a

¹ From the *North Star* of March 29, 1825, copied from the *Burlington Sentinel*; and fortunately so, since the only file of the *Sentinel* of 1825, known to the editor of this volume, does not contain the number in which the foregoing letters were printed.

² These addresses were never printed.

³ By Daniel Webster, on the anniversary of the battle of Bunker Hill.

country, which at the same time acknowledges you as a father, and proudly claims you as a son.

But though our tongues have been forestalled, our hearts are not the less full. They have, indeed, been constantly and tenderly alive to all your movements, and whatever concerned you, while traversing the Union; but it has been reserved to an hour in which our soil is hallowed by your tread, for them to pour out, without measure, the libations of their gratitude, and their affection. That these are now rushing forth from their overflowing fountains, in torrents behind whose rapidity any language of mine cannot but lag, is sufficiently seen in the intense and adoring gaze of the crowd by which you are surrounded.

General, I have the honour to represent, on this interesting occasion, a people plain and hardy, but intelligent and virtuous; industrious cultivators of the earth, but enjoying, on their lofty hills, and in their lowly vallies, comfort and independence. Sincerely attached to the constitution and government of their country, they will never shrink from any sacrifices necessary to support and defend them. And if it may become me, I would add, that their bravery and patriotism have been severely tested, in the darkest hours of peril and dismay, and found firm and immovable, as the mountains which majestically stretch themselves through the midst of them.

It is, too, a source of no small gratification to me, that they can number among them, many of the worthy veterans who served in the same cause, in which you so gloriously distinguished yourself. But if I am so inadequate to express the feelings of others, how far beyond me is it to describe the emotions which must agitate the bosoms of those venerable fathers, on saluting, at this lapse of time, one of their old and beloved Generals, and whom in all probability their eyes are to behold for the last time, on this side of the grave. With their bodies enfeebled by the ravages of many a year, and their locks bleached by the sun of many a summer, their hearts, yet warm as the warmest, and tender as the tenderest, will be lighted up and animated with a blaze, kindled by a spark from the altar of '76, but whose blissful warmth none but they and you can be permitted fully to realize.

General, in the name and behalf of the state, I once more cordially greet you. And on my own part, be assured, my dear sir, that every faculty of my soul responds to the sentiments I have delivered for my constituents.

Reply of Lafayette.

The testimonies of esteem and affection bestowed upon me by the people of Vermont and their representative and chief magistrate, are the more gratifying as I had eagerly anticipated the pleasure, in my happy visit through the United States, once more to behold those celebrated mountains, the very thought of which recalls to my mind glorious, patriotic, and endearing associations.¹ From this state, Sir, by a gallant band of patriots, and their worthy leader and prototype, was, for the first time, proclaimed on the ramparts of a British fortress, the name of the Continental Congress. Nor ever did the vicinity of the enemy on the northern frontier, and family difficulties on every other side, one instant

¹ This indicates that Lafayette had been in Vermont before, or at least in sight of its mountains—probably in 1778, when he was to command an expedition to Canada, in which the Green Mountain Boys were to be employed.

cool the ardour of the sons of Vermont to defend the cause of American independence and freedom. Now I have the happiness to see the hardy and the virtuous inhabitants of this state peaceably cultivating their lofty hills and their handsome valleys, with the intelligence and spirit which characterise them; I see them, in common with their sister states, enjoying the blessings of the new American social order, so far superior even to the least exceptionable institutions of Europe. What hitherto was, at best, religious toleration, has been here exchanged for religious liberty and equality—privilege for right—royal charter mock representatives, inefficient compromises between nations and a few loyal and aristocratical families, for the sovereignty of the people, for truly representative and self-government.

Sir, I most cordially thank you, for the friendly and flattering manner in which you are pleased to express the feelings of the people of this state; a most gratifying specimen of this goodness I now have the gratification to witness. I thank you for your sympathy for the delight I feel to see the happy citizens of Vermont enjoying all the blessings of republican liberty, and among them to recognize many of my beloved companions in arms. Be pleased to accept in your own name, and in behalf of the people and representatives of Vermont, the tribute of my respectful devotion and gratitude.

ADDRESSES AT WOODSTOCK, June 28, 1825.

Hon. Titus Hutchinson to Lafayette.

General Lafayette.—We have assembled in expectation of your arrival and now bid you the most cordial welcome to this town and village. We have formed no pretensions to rival the brilliant specimens of taste and wealth you have witnessed in many populous towns; but we proffer you the homage of our hearts, grateful that you have lived; that you have possessed a spirit of enterprise; that you have labored in the cause of liberty, and that in its own native clime; that you still live to see and enjoy the fruits of your labors; that you live to perform your present tour, and be here this day; that we, who before have only heard and read of Lafayette, do now behold him in the midst of us. As you have passed through other states, you have found cities and towns, by you once defended from their enemies, now become populous and wealthy: here are presented to your view a village and a temple reared upon an area which was then clothed with the verdure of the forest: and you every where in the United States discover science and the arts, agriculture, commerce and manufactures making rapid strides to eminence under the fostering care and patronage of the free government which we have received as the result of that glorious revolution in which you performed such a conspicuous part.

Although one generation and almost a second have passed away, a few patriots of the revolution still survive. Some of these present have marched in defence of their country in obedience to your commands. These all yet live to tell us and their posterity what our liberties cost and how they were attained: nay more, they are the living heralds of your disinterested and efficacious exertions to redeem us from colonial bondage and guarantee to us those free institutions which are at once the glory and happiness of our country, and are extending their benign influence through the world.

We should rejoice in your longer continuance here, if other and higher claims would permit; but we know you must speedily progress on your tour, and we express the sincere desire of our hearts that your path

may be strewed with flowers, fragrant flowers, till you arrive at the blissful shores of immortality.

*Reply of Lafayette—Abstract.*¹

The General immediately made a pertinent and interesting reply to the address. He seemed to retain the whole in his memory, and glanced at the several points nearly in the order exhibited. He expressed, among other things, the satisfaction he derived from so cordial a welcome here, as announced in the address. He also attributed the great prosperity which he observed here and in all his travels in America, to that liberty and free government which we enjoy. In allusion to the revolutionary characters, he said he did not think it strange that so many yet survived, considering the interest this State took in the scenes of the revolution, and how many were occupied with those scenes, though the state was then young and thinly settled. He lamented that he could not tarry longer with us; but said it was impossible, as his appointments urged. Hoped we should be pleased to excuse his haste; and wished us prosperity and happiness.

ADDRESS AT ROYALTON, June 28, 1825. .

Hon. Jacob Collamer to Lafayette.

General Lafayette.—In behalf of the citizens of Royalton and its vicinity, I am requested to express their extreme joy at beholding you among us. We bid you welcome to the green hills and happy villages of Vermont.

We know no way of rendering this welcome more acceptable to our nation's guest than by assuring you that every little town and village, however remote and obscure in the mountains which environ it, is happy in the care and protection of our government.

In the full enjoyment, in common with our splendid cities, of all those privileges and blessings which flow from the liberality of our republican institutions, and surrounded with the light and intelligence which attend those institutions, we cannot be insensible whence these blessings flow, or the debt of gratitude which they imply. These are the happy results of your early labors and those of your compatriots. Hence the thrill of pleasure which, at your condescending visit, vibrates with electric rapidity and sympathetic orison to the most obscure and remote recesses and extremities of our nation.

Humbly, then, Sir, but with sincere hearts would we wish to add, to the gratulations of our cities, our rustic salutations of welcome, and thus to express a nation's gratitude to its early benefactor.

We bless the day on which we are permitted to behold you, for your name and services we have long been accustomed to associate and identify with those of the Father of our country.

"To this the General made an appropriate reply."—*Woodstock Observer* of July 5, 1825.

EAST RANDOLPH—June 28, 1825.

It is understood that Lafayette was addressed at East Randolph by the Rev. WILBUR FISK, but no account of the proceedings can be found.

¹From the *Woodstock Observer* of July 5, 1825.

Possibly the address may be found in the volume of the *Life and Writings* of the Rev. Dr. Fisk, by Rev. Dr. Holdich, published in New York city in 1842.

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ADDRESSES AT MONTPELIER, June 28 and 29, 1825.

Hon. Elijah Paine, Judge of the U. S. Courts for the District of Vermont, to Lafayette.

Gen. Lafayette.—The citizens of Montpelier and the vicinity have assembled to bid you welcome to this recently erected village, and it gives me great pleasure that I am made their organ on this joyful occasion.

We can say but little that you have not heard from millions of others. We acknowledge with deep gratitude your toils and your sacrifices in the time of our greatest need. Your cotemporaries admired the gallantry of your earlier days in the cause of freedom and of a people contending for the right of self government—and all the friends of liberty have revered your character in more advanced life for your uniform adherence to the principles of rational liberty.

We congratulate you on having nearly completed the tour of the United States in health, and hope you have received great pleasure and satisfaction in witnessing the fruits of your early toils and sacrifices, in the improvement and prosperity of a widely extended Republic. We believe you have seen a great Nation enjoying the blessings of liberty without licentiousness.

When you left this country after the war of the revolution, the State of Vermont had but just begun to have a name. At that time almost the whole State was a wilderness—yet we are proud of some of the feats performed in that war by the arms of Vermont. We count upon ourselves as principals in the capture of a whole British army under Burgoyne, the consequences of which are too well known to you to need a rehearsal.

The State of Vermont cannot show to you large towns and cities ; but it can show to you what is perhaps of as much consequence : it can show to you a sober, substantial, intelligent and well informed yeomanry.

We most fervently join in the prayer of a whole Nation, that you may return in health and safety across the ocean to the bosom of your family, and that the blessing of God may attend you through the remainder of your life.

Reply of Lafayette.

The welcome I receive from the citizens of Montpelier, the great number of friends who at this late hour¹ have been pleased to wait my arrival, and the particular gratification to hear their affectionate feelings expressed by you, my dear sir, fill my heart with the most lively sentiments of pleasure and gratitude.

Well may I, Sir, acknowledge the patriotic titles of this State, not only as having been the theatre of a most important event, the victory of Bennington, and having largely contributed to the happy turns in the north—but also, as having by her devotion to the general cause, and by the gallantry of her hardy sons, constantly taken a great proportionate share in our revolutionary struggle ; nor shall I omit this opportunity to express my early interest in the local feelings and wishes of the State of Vermont.

Sir, I have now accomplished one of the greatest objects in my life ; I have visited the twenty-four states of the Union ; I have been the

¹About ten o'clock in the evening.

happy witness of the immense, rapid, and ever increasing results of Independence, Republican institutions, and self government; and you, Sir, and all of you whom I have the pleasure to address, I most cordially congratulate on the public and domestic happiness which is enjoyed by the citizens of Vermont, and I beg you to accept my affectionate and respectful thanks.

On the morning of the 29th, the ladies of Montpelier assembled in the Congregational Church, now superseded by Bethany Church, when the following addresses were delivered :

Mrs. Watrous, wife of Erastus Watrous Esq., to Lafayette.

General Lafayette.—Permit me, Sir, in behalf of the ladies present, to express to you how highly we are gratified with this visit to our metropolis. To us, born free as the mountain air we breathe, the man whose bosom warmed with the sacred glow of patriotism when beholding an infant nation struggling for liberty, who sacrificed the sweet endearments of domestic society, the splendour of rank, and staked for time and life, to secure to us and ours the blessings we now enjoy; to us, he is welcome. We greet you with a cordial welcome, to our country, our homes, and our hearts.

Great must be your satisfaction, in your progress through the states, to behold in many places the wilderness to have "budded and blossomed as the rose," the arts of civilized life to have advanced in the scale of perfection to a competition with Europe, while far and wide are diffused the blessings of peace and plenty, and on every side the children of those who were companions in arms, vying with each other in expressions of gratitude to our country's benefactor.

Accept, dear General, our united aspirations for your health and long life. With you, may the evening of life be peculiarly pleasant—like the setting sun after a glorious day, sinking gradually, and throwing back increasing beauty and splendour with every expiring beam. May kind hands and affectionate hearts soothe and administer to every want, and smooth the pillow of declining age; and when at length the "vital spark" shall quit its earthly tenement, may the angel of Death open to you the portals of eternal bliss in Heaven.

With us, and with every freeborn child of America, the name, the bravery, the virtues, the disinterested generosity of Lafayette will ever be perpetuated with our beloved Washington.

Reply of Lafayette.

The General replied in substance as follows:¹

Madam.—I regret very much that the late hour of my arrival last evening prevented my having a more particular interview with the ladies. I am happy to see them this morning. I beg you to express to them my thanks for the cordial reception they have given me in this metropolis, which I am very happy to visit.

I am very sensible of the respect and attention which have been shown me in every part of the country I have visited. I thank the people for the gratitude they have manifested. Mrs. Watrous, I am not able to express my feelings on this occasion. I beg you to accept, and assure the ladies, of my good wishes; I wish them happy.

¹ From the *Vermont Watchman* of July 5, 1825, copied in the *North Star* of July 12, and also in the *Northern Sentinel*.

To you, Madam, particularly, I express my thanks for the very kind and affectionate manner in which you have addressed me. The recollection of it will ever be pleasant to me. I have not time to say more.

ADDRESSES AT BURLINGTON, JUNE 29, 1825.

Hon. William A. Griswold to Lafayette.

General.—Amongst the numerous manifestations of heartfelt gratitude and joyous acclamations, which greeted you on your arrival, and followed you, during a prosperous and extensive tour through our beloved country, allow me, as the deputed organ of the citizens of Burlington, to tender you their hospitalities and bid you a cordial and affectionate welcome.

We come not to offer the incense of adulation, but to render homage justly due; not to recount the many distinguished acts of your life, so full of glory to yourself and of such lasting benefit to the cause of rational liberty throughout the world, nor merely to reiterate the sentiments, which have been so feelingly and eloquently expressed by all classes of our citizens in every section of the country, but to assure you that our hearts beat in unison with theirs, and that we rejoice in the opportunity now afforded, to evince our admiration of your character and veneration for your virtues.

The circumstances attending your visit to this land of liberty, present a spectacle unparalleled in the history of the world. While the sons of those, who were formerly your companions in arms, are testifying their joy and gratitude, their wives and daughters are not less grateful for the delightful privilege they enjoy, of telling their children of your illustrious deeds, and of instructing them to imitate your brilliant examples. It has also rekindled a spirit of increased devotion to the principles of free government, and one which, we trust, will not be extinguished until "history is dumb, and memory becomes extinct."

Few, very few of the revolutionary heroes, then the hardy sons of our Green Mountains, were eye witnesses to your valor and constancy displayed throughout our revolutionary contest; and fewer still have survived the lapse of half a century, to unite with us in rendering honor to an early patriot and our distinguished friend. Yet a small and highly favored remnant have been kindly preserved, and tottering with age and infirmity, are now embodied before you with hearts bounding with joy and exultation at your presence. And it is a proud consolation to them and us to know, that they still hold a transcendent place in your affections.

During the gloomy period of 1781, the citizens of this State were violently assailed by two powerful neighboring States, claiming jurisdiction over her territory, and while contributing liberally to the common cause, her bold and inflexible patriots were nobly struggling for self existence and state independence. The waters of yonder beautiful Lake were covered with an hostile fleet and powerful army, and all her strong holds in the undisturbed possession of the enemy. This was a time for coward hearts to despond. But the statesmen of that day were strangers to fear, and Washington, the sainted Washington, your illustrious compeer, was our mediator and our friend. An intrepid self created board of war, consisting of eight persons only, wielded the destinies of a scattered population of about thirty thousand souls. Although the ambiguity of their conduct for a short time created some distrust abroad, yet their stern integrity inspired confidence at home, while their masterly and resolute policy rendered the enemy inactive, retarded their opera-

tions, and protected an extensive and defenceless frontier from pillage and devastation. At this critical moment, when the destinies of this State, (then an almost outlawed territory,) were approaching a crisis; when despondency came creeping even upon the stoutest hearts, the cheering news of the surrender of Cornwallis was proclaimed. The independence of our country was sealed, and with it, the people of Vermont delivered from peculiar and trying embarrassments. Then the name of LAFAYETTE resounded through the air, hung with rapture upon every tongue, and still remains enshrined in every American heart.

Now, under the auspices of an enlightened and well regulated government, purchased and cemented by the best blood of our fathers, we are reaping the full rewards of all their toils and suffering. Our hearts then shall ascend with grateful supplication to the Most High, that He would graciously vouchsafe to perpetuate the privileges and blessings we enjoy to the latest posterity, and unitedly resolve to cherish with fond recollections the pleasing interview of this day, and on its annual return, renew our oaths of fidelity to our wise constitution, and devote a sacred hour to implore the blessings of heaven upon the benefactor of our country, and the benefactor of mankind.

Reply of Gen. Lafayette.

While the warm greetings of the citizens of Burlington, and the multitude of friends, who came to join them on this happy spot, excite the most grateful feelings of my heart, I particularly thank you, sir, for your kind remarks, on the enjoyment of my passage through every part of the great confederacy, and namely through the state of Vermont. Among the revolutionary soldiers, whom it is my delight to meet, I have the gratification, in the sons of the Green Mountains, to find many who have been my intimate companions, and while in the throngs of friends of both sexes, and of every age, who so kindly welcome me, I often recognize the features, I can ever recognize the feelings of my American contemporaries. There shall never be need, my dear sir, to rekindle in American hearts the sacred flame of republican patriotism; to keep it up forever, it suffices to see and feel the blessings of liberty, equality, and self-government; the more so, when those dignified and prosperous blessings are compared with the situation of another hemisphere; yet nothing can be more gratifying than the observation that my visit through the United States, so delightful to me, has been attended with some public utility, and I am happy to acknowledge it has afforded an opportunity once more to assert the devotion of the American people to the principles for which we have fought, for the institutions which they enjoy, at the same time it once more recalls to the attention of others the practical results of those principles, of those institutions.¹

I am happy to think, that while the successful termination of our Virginia campaign has helped to settle difficulties of a general concern,

¹ It cannot be doubted that the tour of Lafayette was of immense value to the nation, in rekindling the patriotic spirit in the old, and inspiring it in the young. Probably no eminent leader of the Union army of 1861-'65 will make a similar tour forty years hence, but it is to be confidently hoped that the patriotism evinced by the immense services and sufferings of that army, will perpetuate the sentiment of "Liberty and Union, now and forever, one and inseparable."

it has peculiarly contributed to satisfy the anxious feelings of this State, in which from an early period I have myself felt deeply interested.

To your kind references to very remote times, permit me, sir, to add a mention of the later period of the late war, in which the citizens of Vermont also took a spirited part. One of the theatres of the honourable achievements of that war, both on water and on land, we may almost greet from this place, on the opposite shore.

To you, sir, to the citizens of Burlington, to all the friends who now surround you, I offer my most affectionate, respectful acknowledgments.

A marked feature in the ovations to Lafayette in Vermont, at every place at which he tarried, though it was but for a brief time, was the presence of all the revolutionary soldiers who were able to attend and take, for the last time, the hand of their old associate in arms. At Burlington they assembled in Gould's long room, and the proceedings were unusually formal and interesting. Sergeant Day, of Lafayette's early revolutionary regiment, was present, bearing the sword presented to him by Lafayette, and the interview between them was very affecting. The following addresses were delivered:

David Russell Esq. to Lafayette.

General Lafayette, Sir.—A few of the surviving officers and soldiers of the American Revolution here present themselves to bid you a cordial reception, among those who have so long anxiously waited your coming; some of whom were with you on the tented field, and on the ramparts, that witnessed your undaunted bravery in defence of a country then almost in despair. But we had a WASHINGTON, "whose head was a Senate, and whose arm was a Host," to direct and lead us; who, with his Cabinet Council of brave officers, (foreign and American, most of whom now sleep with their fathers,) inspired their humble followers in arms with that courage, with that zeal in the cause of liberty, and that love of country, which could not fail of leading to the important result, Freedom and Independence.

We rejoice to meet you here, sir, although it be but for a moment, to pass in review, and then be separated forever. Here we reciprocate the feelings which can never be obliterated, in the breasts of those who have been associated in arms, in a just cause, although half a century has nearly elapsed since those associations were first formed.

You here behold, sir, a frontier, then a savage wilderness, now witnessing by its improvements the blessed effects, the glorious result of those patriotic exertions, in which you performed so distinguished a part.

We reluctantly bid you adieu, sir, and pray our Almighty Father that you may return in health and safety to your country and family; that the remainder of your days may be peaceful and happy; and that thereafter you may join your great Prototype in Heaven, and, with him and other departed Saints and Heroes, forever rejoice together in the Paradise of God.

Reply of Lafayette.

To the Revolutionary Soldiers:—I am delighted, my dear comrades, whenever I find myself among my revolutionary brothers in arms; for we were all brothers, fighting in the same cause of independence and freedom; we all enjoy together the happy results of our toils; yet it is to me a particular gratification to recognize among you many of the

intimate companions who served with me in the army, and several of my beloved Light Infantry soldiers. If I have obtained, in our military events, some fortunate days, it is to your gallantry in action, your perseverance under every hardship, to your personal affection, that I am indebted for them. That name, so dear to my heart, of *the soldier's friend*, which you gave me in my youth, I am happy again to find on your lips in our old age. Receive, dear comrades, my most affectionate thanks, love and good wishes.

After dinner, the General laid the corner stone of the south college of the University of Vermont, on which occasion the following addresses were delivered :

Rev. Willard Preston, President elect of the University, to Lafayette.

General Lafayette.—In behalf of the University of Vermont, the pleasing duty devolves on me of bidding you welcome to this spot, consecrated to Science and Literature; and I bid you a most cordial welcome. We are not insensible of our obligations to you and to your compatriots in arms for the distinguished privileges we enjoy, no less of a literary than a civil and religious character. While freedom is the nursery of science, knowledge and virtue are the grand supporting pillars of a free government. Mutilate those and the fair fabrick falls. Support them, and they stand against the combined attacks of a frowning world. These are supported in all our institutions of learning. And it must have afforded you the highest satisfaction, to see everywhere planted, throughout this extensive country, seminaries of learning, from the University to the lowest elementary schools.

The University of Vermont is comparatively in her infancy. She has sustained a series of disasters. One year since, and her noble edifice was reduced to ruins. But from those ruins, other edifices are rising and her prospects are brightening. One edifice is already erected, and we ask you to confer on us the honor of laying the corner stone of a second.

With renewed assurances of the pleasure we feel on this proud and interesting occasion, permit me to present you my hand, and introduce you to the Faculty and Students of this University.

*Reply of Lafayette.—Abstract.*¹

In his reply the General expressed the high sense he had of the honor conferred upon him in permitting him to lay the corner stone of so interesting a building; and (said he) I am sure that the young sons of Vermont will ever evince, in their studies, the same ardor and perseverance which at all times and on every occasion have characterized the spirited inhabitants of the Green Mountains.

The proceedings at Burlington, and in Vermont, were closed by a reception and splendid entertainment at the residence of Gov. Van Ness, when Gen. Lafayette and his suite embarked on the steamer *Phoenix* with all the honors suitable to the occasion, and left Vermont for Whitehall, N. Y.

¹ From the *Northern Sentinel*, Burlington, of July 8, 1825.

It is quite probable that other civil or military demonstrations, or both, were made, at Brookfield, Williamstown, Barre, Middlesex, Waterbury, Richmond, and Williston, and perhaps in other towns, though the tarry, if any, at these places must have been very brief. A search of all the newspapers of that day, which are accessible, has discovered no mention of such demonstrations, if such there were. Salutes at least may have been given, and certainly the most hearty cheers to the General all along his route. No revolutionary officer then living, and none but Washington in his lifetime, could have aroused the enthusiasm with which Lafayette was greeted in Vermont.

It has not been deemed advisable to swell this volume by details of processions, marches, public dinners, and toasts; but the names of persons prominently engaged in honoring Lafayette will be so acceptable to the very few yet living, and to the descendants of those who are not, and toasts of the General so interesting to all, that it is thought best to subjoin them, to wit:

At Windsor.—Marshal, Gen. Asaph Fletcher, assisted by Col. Daniel Bowen, I. Gregory, T. Boynton, J. P. Skinner, and V. B. Horton. Military—Jefferson Artillery, Windsor, Capt. L. Lull; Hartland Rifle Company, Capt. J. Kelley; Weathersfield Light Infantry, Capt. Clement; and first Infantry, Windsor, Capt. J. Lull, Jr.—the whole under the command of Lieut. Col. Alba Stimson of Norwich, assisted by Geo. Wetherby of Hartland as Adjutant. The General and suite were entertained at Pettes's Coffee House.

At Woodstock.—Marshal, Lieut. Col. R. M. Ransom, assisted by Capt. G. W. Rice. Military—Woodstock Light Infantry, Capt. B. F. Mower, and two companies of Infantry, Captains Richmond and Parker; Pomfret Rifle Company, Capt. Snow; and Barnard Artillery, Capt. Warner.

At Royalton.—Marshal, Oel Billings. Military—Tunbridge Cavalry, Capt. Eaton, the escort under the direction of Major Warren; and an artillery company volunteered for the occasion, consisting of revolutionary patriots. Gen. Lafayette and party stopped at Col. Smith's hotel. Committee of arrangements, Moses Cutter, Daniel Rix, Joseph A. Denison, John Francis, Franklin Hunter, and Jacob Collamer.

At Montpelier.—Chief Marshal, Col. Joseph Wiggins, assisted by Adjutant Calvin Winslow, Capt. W. W. Cadwell, and Samuel Goss, Esq. Military—Washington Artillery, Capt. Joseph Somerby, a company independent of other military organizations, and serving as the governor's guard; Montpelier Light Infantry, Capt. Daniel Baldwin; Berlin Infantry, Capt. Taplin; and a company of Montpelier lads about fourteen years of age, Capt. Eliakim P. Walton. To the boys was assigned the post of honor, as body guards to the General and his suite, and they received his thanks and compliments. The entertainment was at the Pavilion, then kept by Solomon Mann.

At Burlington.—Marshal, Heman Lowry, with fourteen deputies. Military—Detachment of Cavalry under Maj. Erastus Meach; Independent Grays of Burlington, Capt. H. Thomas; and Artillery, Capt. Corning. Rooms were assigned to the General and party at Gould's hotel, where the public dinner was given. Horace Loomis Esq. presided, supported by Timothy Follett, Samuel Hickock, Guy Catlin, A. W. Hyde, and John C. Thompson. At the wharf, on leaving, the party was saluted by the steamers Phenix, Capt. G. Burnham, and Congress, Capt. I. H. Harrington.

gence was received by the valiant capturer of *Prescott*, can be better imagined than described.

The scene was rendered more interesting by the peculiarly delicate manner in which the business was conducted and the fact announced by Gen. Fletcher.

Many excellent sentiments were given by those assembled to witness the scene, and all participated in the satisfaction which was expressed, that Gen. Barton was at liberty to return to his family, after a separation of more than thirteen years.

GEN. BARTON'S RETURN TO HIS FAMILY IN RHODE ISLAND.

From a letter to the *Boston Gazette*, copied in the *North Star* of Jan. 2, 1826.

The day I left Boston, Dec. 16th, [1825,] I had the pleasure of finding Gen. William Barton in the stage-coach, bound to Providence to see his family and home, after an absence of [about] fourteen years, during which time he had been confined for debt at Danville, Vermont. A few days since he was liberated by a remittance from his old companion in arms, the good Lafayette. It seemed to astonish the old General to see the great alterations on the road as we approached Providence; and when he spoke of the Marquis, (as he always calls Lafayette,) his eyes filled with tears of gratitude. He has been a very powerful man, and retains now, in the seventy-seventh year of his age, much of the vigor of his younger days. He would often sing a few lines of an old revolutionary song, with a clear and strong voice: when he had arrived near Providence, he sang,

"And since we're here,
"With friends so dear,
"We'll drive dull care away."

But when the old General entered his ancient home, and embraced the wife of his youth, his children, and his children's children, and met his old black servant, it was a scene which I cannot attempt to describe—they were all overjoyed and melted into tears. It was a long time before he could believe it to be a reality.

ADDITIONS AND CORRECTIONS.

Vol. II, p. 52.—Commodore Abraham Whipple, grantee of Navy, now the town of Charleston, was born at Providence, R. I., Sept. 26, 1733, instead of 1773.

Vol. V, p. 399.—David Edmond of Vergennes died March 24, 1824, aged 51 years.

Vol. VI, p. 106.—Hon. Timothy Stanley of Greensborough died April 15, 1825, aged 61 years — being a Councillor at the time of his death.

Vol. VI, p. 287.—Councillor Joseph Warner died at Montpelier Nov. 14, 1825, when a representative of Sudbury in the House. The Joseph Warner who represented Sudbury 1828 until 1832 was the son of Councillor Warner, and was also a member of the Senate.

Vol. VI, p. 549, index.—Lt. Mark Richards should have been *Lieut. Gov. Mark Richards*.

Vol. VII, p. 1.—The notice of the Hon. Israel P. Dana's family is both imperfect and erroneous. Sophia D. Stoddard, a missionary in Persia, was the grand-daughter of Mr. Dana; and Allen Hazen, a grand-son of Mr. Dana, was a missionary in Bombay. This error and omission were not the editor's.

Vol. VII, p. 9.—Daniel L. Fowler should probably be *Fowles*; and on p. 25 the "Jr." to David Hopkinson should have been omitted.

Vol. VII, p. 57.—Jonathan Ware, named on that page, was a scholar of good repute, and specially in the Hebrew language. He wrote a history of Vermont, which has never been printed. The manuscript has been promised to the Vermont Historical Society; but it is supposed to be now in Concord, N. H.

Vol. VII, p. 73.—The Secretary of the Council omitted to note the election of Judges of the Supreme Court, to wit, Richard Skinner, Charles K. Williams, and Asa Aiken.

Vol. VII, p. 113.—"Emery Burfee" should be *Emery Burpes*; p. 122, "Asa Aikens" should be *Asa Aiken*; p. 140, the word "by" in the note should be *against*; and p. 164, "Jonah Jaquith" should be *Josiah &c.*—an error of the Secretary.

Vol. VII, p. 242.—The Secretary of the Council omitted to note the following elections, to wit: Directors of the Vermont State Bank, Benjamin Swan, John Jackson, and Job Lyman; and Committee to examine banks, Robert Pierpoint.

Vol. VII, p. 263.—“Warner’s Gore” should be *Warner’s Grant*: an error of the author of the bill, which ignored the fact that Vermont had made a *grant* in honor of Col. Seth Warner.

Vol. VII, pp. 289-’90.—Probably the note should be modified so far as it relates to Councillor Wetmore. He favored John Quincy Adams for President at the session of 1828.

Vol. VII, p. 391.—Hon. Henry F. Janes died at Waterbury, June 6, 1879, in his 87th year—after the biographical note had been printed. He was born in Brimfield, Mass. Oct. 18, 1792, brought to Calais in boyhood, and from thence came to Montpelier as a student, &c. as related in the note.

ACKNOWLEDGMENTS.

Thanks are due to Hon. LUCIUS E. CHITTENDEN, and the artist A. H. RITCHIE, of New York city, for the use of the very excellent steel portrait of Gov. Van Ness; and to FREDERICK J. PRENTISS, Esq. for that of his father, Senator and Judge Prentiss; to NATHAN STRONG HILL, Esq., Treasurer of the University of Vermont, Burlington, for the photograph from which the portrait of Gov. Crafts has been engraved; and to Mrs. H. B. STACY, son and daughters, and T. P. W. ROGERS, Esq. of the Fletcher Library, Burlington, for the use of a file of the *Northern Sentinel* for 1825. The file of the *Sentinel* for 1825, owned by Mrs. STACY, is the only one known to the editor of this volume; and he will add, that, without it, he could not have reprinted complete the addresses delivered to and by Lafayette, in his memorable tour across the state in 1825.

GENERAL INDEX.

- Abbee, Jacob, 209.
Academies, Grammar Schools, &c.
11, 27-8, 42, 45, 49, 58, 81, 102, 120,
122, 132, 146, 153, 167, 191, 198,
240, 248, 250, 309, 315, 324-5, 335,
337, 350, 352, 361, 372, 375, 378,
382, 384, 397, 423, 440.
Academy, Norwich Military, 12, 28,
31, 35, 441.
Ackley, Francis, 19.
Act of 1824, changing the judicial
system, note on, 149.
Adams, Benjamin, 73, 81; Hon.
Charles, 99, 105, 157; John, 70;
Prest. John Quincy, 65, 280, 287,
289, 328, 448, 473, 503.
Addison County, 2, 21, 36, 65, 123,
146, 300, 374, 378-9, 383-4, 433, 473.
Addresses, to and by Lafayette in
Vermont, in 1825: Gov. Van Ness
to Lafayette at Windsor, and the
reply, 490-91; Titus Hutchinson's
address at Woodstock, and the re-
ply, 492-3; Jacob Collamer's ad-
dress at Royalton, 493; Elijah
Paine's address at Montpelier,
and the reply, 494-5; Mrs. Eras-
tus Watrous's address at Mont-
pelier, and the reply, 495; Wm.
A. Griswold's address at Burling-
ton, and the reply, 496-7; David
Russell's address at Burlington,
and the reply, 498; Rev. Willard
Preston's address at Burlington,
and the reply, 499.
Adjutant and Inspector General,
81, 432.
Africa, 248-9.
Agricultural Society, Vermont, 237,
247-8; Societies, 441-2.
Aiken, Hon. Asa, 122, 200, 503; Sol-
omon, 60.
Alabama, 137, 268, 289, 292, 445,
473-4.
Albee, Addison, 68, 212.
Alden, Thomas, 396.
Aldis, Hon. Asa, 14, 72, 138.
Aliens, right of to hold lands ques-
tioned, 366, 369, 371.
Allen, Alpha, 359; Eleazer, 305,
326; Eli, 115, 130; Gen. Ethan,
300, 500; Hon. Heman of High-
gate, 14, 57-8, 60-62—note on, 347;
Hon. Heman of Milton and Bur-
lington, 30, 197, 256, 284, 290;
Gen. Ira, 300; Hon. Ira H. 207,
294, 299, 300, 302, 307, 309, 344,
347, 350, 390-91, 393, 396, 398,
434—note on, 300; Jacob, 414;
John B. 363; Jonas, 120, 168, 170,
215; Marcus, 29; Rev. and Hon.
Samuel C. 401; William, 17.
Allton, Abel, 306, 349; James, 318.
Allyn, Abner, 312, 399.
American manufactures, &c., en-
couragement to, 292, 438-9, 442-3,
457, 476.
American System, 459.
Anderson, John, 256, 303, 347, 410-412.
Andrews, Jeremiah, 148, 178, 184.
Andrus, Miles H. 4, 76.
Annis, William, 5, 15, 30, 38.
Anthony, Albro, 76; Joseph, 72.
Anti-Masonry, 347, 361, 366, 391,
395, 413.
Aqueduct Companies, 42, 45, 94.
Arms, Jonathan, 397; Sarah, and
Mrs. J. P. Miller—see *Hopkins*,
Mrs. Sarah.
Arnold, Samuel, 18, 35, 55, 268.
Arsenal, Champlain (U. S. at Ver-
gennes), 192, 216, 231, 325, 327,
449; State, 154, 157, 192, 449, 457.
Ashcroft, Daniel, 28.
Atherton, Abel W. 75, 78.
Atkinson, William, 274, 280; Joseph
William and Ursula Phebe, 356,
368, 374.

- Atwood, John, 9, 34, 40; Rufus, 162, 184.
 Auditor of Accounts, 31, 68, 122, 179, 226, 264, 311, 358, 412.
 Austin, Apollos, 72; Ezekiel, 20; John F. 315, 325, 327, 330; Samuel, 3, 180; Seneca, 474.
- Babcock, Edward G. 396.
 Batchelder, Lavinia, 415.—See *Batchelder*.
 Bacon, Benjamin, 305.
 Badger, Nathan, 113, 166.
 Bagley, Curtiss, 8.
 Bailey, Benjamin F. 206, 294, 296, 335, 341, 346, 370, 416; Rufus W. 30.
 Baker, Charles, 239, 267, 303, 347; Elijah, 334; Jonathan jr. 73; Samuel, 309.
 Balch, Nathaniel, 210, 232.
 Baldwin, Hon. Daniel, 245, 484, 500; Lewis, 319, 367, 414; Silas G. 72; Sylvanus, 480, 485.
 Ball, Charles, 5, 319, 347.
 Bancroft, Benjamin, 26.
 Bank Committee, (to inspect banks,) 242, 281, 335, 384, 420.
 Bank, U. S., 103; Vermont State, 18, 21-2, 24, 62-3, 86, 96, 103, 136, 138, 195, 242, 281, 313, 338, 349, 384, 387, 420.
 Banks, 11, 13, 14, 61, 72, 85, 100, 128, 133, 135-138, 147, 152, 161-2, 186-191, 227-8, 242, 257, 261-2, 273, 282, 311, 325, 336, 343, 354, 366, 384, 397, 406, 409, 419-421, 424, 426, 437, 460.
 Baptist Convention, Vermont, 233, 244.
 Barber, Gideon, 171; Samuel, 101.
 Barnes, Asahel, 115, 133, 376; Ebenezer, 267, 283-4; John, 23, 71, 112, 162, 222.
 Barney, Elisha, 403; William, 7, 305.
 Barnum, Gen. Amos W. 118, 177, 216.
 Barr & Welch, 41.
 Barrett, Jonathan, 14; Zaccheus jr. 214, 218.
 Barron, William and Hannah D. 164, 171, 187, 197.
 Barrows, Aaron, 163, 270, 278, 283.
 Barry, John, 106.
 Bartholomew, Timothy P. 14, 70, 84.
- Bartlett, Gideon, 167; Rev. Robert, 138, 161; Thomas H. 256, 319; W. H. 369.
 Barton, Gen. William, 501—his return to his home, 502.
 Bassett, Joel, 260, 334.
 Batchelder, Ira, 303, 405.—See *Batchelder*.
 Bates & Shurtliffe, 167.
 Bates, Hon. Robert B. 67-8, 107, 160, 243, 254-5, 301-2, 318, 392-3, 427, 430.
 Baxter, William, 74, 185-6, 294.
 Bayley, Ward jr. 189.
 Baylies, Hon. Nicholas, 451, 480.
 Beach, Chauncey, 5, 7, 68, 69, 114; Manly A. 347, 414.
 Bean, John, 347, 359, 364, 408.
 Beardsley, Levi and Samuel, 10.
 Beckwith, Amos, 60; John, 10, 60, 70, 80, 398.
 Beeman, Aaron S. 397, 411, 425.
 Begary, Raymond, 71, 113.
 Bell, James, 199, 243, 250.
 Benedict, Samuel, 209.
 Bennett, Elijah W. 414; James, 112, 163.
 Bennington County, 36, 198, 300, 384, 433.
 Berry, Hon. Joseph, 3, 4, 8, 10, 14, 19, 34-5, 38, 43, 50, 52, 63-4, 66-7, 69, 95, 108-111, 116, 133, 158, 160, 203, 397; David and Mary, 398.
 Bidwell, George, 306; Jonathan, 68, 112, 166, 221.
 Billings, Mira, 10, 41; Oel, 117, 500.
 Billington, John, 367, 414.
 Bingham, Elijah G. 315; Elisha, 263; Lasel, 97, 101; Tyler, 417.
 Biographical and other personal notices: Allen, Heman of Highgate, 347; Allen, Ira H. 300; Chase, Dudley, 124; Clark, Myron, 300; Clark, Samuel, 301; Dana, Israel P. 1, 503; Davis, James, 345; Deming, Benjamin F. 254; Deming, Leonard, 97; Edmond, David, 503; Fitch, Lyman, 205; Fletcher, Gen. Isaac, 501; Forbes, Gen. Abner, 300; Haight, Stephen, 473; Harris, Jedediah H. 299; Hatch, Uriel C. 2; Holley, Samuel H. 65; Hopkinson, David, jr. 254; Hoyt, Ezra, 300; Hunter, William G. 391; Jones, Henry F. 391, 504; Judd, Eben W. 2; Keith, Calvin J. 203; Kel-

- logg, Gen. Daniel, 66; Lafayette, Gen. 488; Lyman, Job, 345; McDuffie, John, 466, 483; Merrill, Orsamus C. 109; Peck, John, 205; Pierpoint, Robert, 159; Prentiss, Samuel, 124, 149, 401; Proctor, Jabez, 2; Reed, Lyman, 484; Roberts, John, 65; Shaw, George B. 301; Stanley, Timothy, 503; Sullivan, John L. 483; Thompson, John C. 253; Van Ness, Cornelius P. 64; Ware, Jonathan, 503; Warner, Joseph senior, 196, 503; Whipple, Commodore Abraham, 503; Worthington, George, 253.
- Birchard, Austin, 351, 380, 396, 419.
Black, Polly, 18, 28.
Black river, 317, 330, 331.
Blackington, Samuel, 5, 15, 73.
Blake, Abraham, 118; Ephraim, 120; John W. 401; Samuel S. 209.
Blanchard, Miles W. 79; Robert, 68.
Blanden, Othniel, 331.
Blinn, Jonathan, 120.
Bliss, Amos, 399.
Blossom, Cyrus Coggsell, 99.
Boardman, Daniel, 406; Elisha, 76, 115, 130; Horace, 163; William, 84.
Bolio, Peter, 347, 414.
Bolles, Clapp, 129, 139, 142, 151.
Boorn, Amos, 168.
Booth, Samuel B. 309, 349, 400.
Boulton, D. A. 259.
Bourge, Basil, 208, 319.
Boundary line between New Hampshire and Vermont, 411, 426.
Bowen, Gen. Daniel, 306, 315, 350, 396, 500.
Boyce, Elisha jr. 230.
Boyd, Robert, 420.
Boynton, Jeremiah, 421, 428; T. 500.
Bradish, Lieut. Gov. Luther, of N. Y. 486; William E. 71, 112, 117.
Bradley, Jeremiah, 329, 373, 414; John, a convict, 15, 113; John F. 82; Gilbert 2d, 308, 336; Hon. William C. 395.
Brayton, Hon. William, 4, 10.
Brian, David, 256.
Bridges, 43, 44, 57, 62, 75, 80, 82, 89, 94, 101, 131, 134, 145, 150, 157, 167, 183, 191, 213, 216, 230, 235, 238, 241-2, 257, 261, 268, 270, 273, 276, 278-9, 285-6, 351, 360, 365, 370-71, 373, 421, 429.
- Briggs, Asa, 70, 74, 115; Russell, 319.
Brine, David O. 409.—See *O'Brian*.
Brock, Benjamin, 10, 78, 92.
Bromley, Hiram, 270.
Brooks, Betsey and Simeon, 142; Jesse, 5, 71, 91, 93; Samuel jr. 126.
Brookshaw, Peter, 319, 320.
Broughton, N. W. 70.
Brown, Ambrose L. 115; Amos, 141; Asa, 263; Benjamin, 75; Calvin, 115; I. 304; Jacob, 256; James P. 303, 367; Joseph, 149, 154; Nathaniel, 415; Paul, 162, 209, 272; Rhodolphus, 28, 39; Roderick, 177, 209, 222; Stewart, 193, 226.
Buck, Hon. D. Azro A. 3, 5, 30, 59, 160-61, 206-7, 243, 251, 346-7; Hiram, 356; William, 368.
Buel, Ozias, 170, 192.
Buffum, Caleb, 355, 399.
Bugbee, Prentiss, 29.
Bullock, Lovel, 409, 417.
Bunker Hill, 488, 490.
Burdick, Gen. Justus, 281.
Burke, Sylvester, 114.
Burnham, Capt. G. 500; John jr. 224, 235; Joseph, 352, 357, 359, 360; Gen. Joshua P. 370; Julia, 262.
Burnside, Thomas, 213, 268, 282, 294.
Burpee, Emery, 113, 503.
Burr, Joseph, 138, 218, 231.
Burrett, Gideon, 126, 176.
Burrington, E. D. G. 358.
Burroughs, Patience, 118; William, 218.
Burton, John H. 272; Josiah, 115, 121, 217, 225; Timothy, 20, 70.
Bush, John, 173.
Butler, Daniel, 5, 68, 113, 162, 166; Gov. Ezra, 1, 4, 23, 32, 45, 51, 53, 55, 63-4, 66-7, 69, 95, 104, 108-111, 116, 119, 133, 157-61, 163, 165, 170, 174, 203, 205-208, 253-255, 301, 452, 456—see *Governors' Speeches*; Roswell, 230.
- Cabinet, State Geological &c., origin of, 210, 219.
Cadwell, Capt. W. W. 500.
Cady, Albe, 486; Caleb, 5, 16, 70.
Caledonia Co. 1, 17, 72, 82, 92, 100, 101, 103, 120, 144, 155, 166, 224, 243, 246, 251, 254, 301, 305, 319, 320, 384, 399, 480.

- Calhoun, Hon. John C. 402, 462.
 Cambridge, Lewis, 5, 15, 38.
 Camp, Philo G. 14.
 Campbell, Alexander, 8, 9, 70, 90, 92, 99; David R. 115; John, 5, 90, 92, 99; John H. 313.
 Canada, 21, 52, 488, 491. — See *Lower Canada*.
 Canada, John, 311, 349.
 Canal Commissioners, 171, 195, 451, 481.
 Canal, Erie, 483.
 Canals, 164, 171, 176, 182, 185, 190, 193, 197, 201-2, 217, 247, 341, 384, 419, 443, 450-51, 457, 465, 470, 479, 481-2.
 Canfield, Cyrus, 141, 168, 215.
 Carey, John, 404, 420.
 Carpenter, Dan, 138; Daniel A. 359; John A. 262, 304; Joseph A. 373.
 Carrier, Cyrus, 319, 329.
 Carroll, Carlo C. 263.
 Carryl, Willard, 117.
 Carter, Col. Abel, 170, 185; Alvan, 63.
 Case, Manna, 172, 220, 233, 242, 249, 267.
 Casey, James, 400.
 Castleton river, 201, 202.
 Catlin, Guy, 185-6, 500; John, 356, 369, 400; Moses, 180, 198.
 Chadwick, David, 171, 216, 246, 258.
 Chaffee, John, 349, 396, 429.
 Chalker, Samuel E. 265, 310, 363.
 Challis, Homer, 267.
 Chamberlain, Asa, 16, 38, 72, 91, 98; Ebenezer, 224, 259; Ralph, 79.
 Chambers, Matthew, 356.
 Champlain, see *Lake*.
 Champlin, Christopher G. 76.
 Chandler, Rev. Amariah, 86, 110, 111; Hon. John W. 406.
 Chany, Luther, 263.
 Chaplains, 5, 68, 111, 162, 208, 256, 303, 348, 365, 394, 412.
 Chapman, Joseph, 324.
 Charters, New Hampshire, 415.
 Chase, Hon. Dudley, 67, 78, 92, 98, 104, 107, 123-4, 154, 471; Paul, 114, 126, 409.
 Chellis, Homer, 210; Stewart, 71, 114.
 Cheshire, N. H., Railroad, 487.
 Child, David Lee, 486; Rev. Willard, 385, 433.
 Chipman, Hon. Daniel, 153.
 Chittenden County, 36, 175, 189, 277, 384, 403, 405, 411, 433, 480, 485.
 Chittenden, Hon. Lucius E. 504; Hon. Truman, 1, 3, 4, 8, 30, 63-4, 66-7, 70, 108-111, 116, 125, 143, 155, 158-161, 165, 203, 205-207, 213, 252, 254, 298.
 Church, Anson, 69, 71, 77; Charles, 258; Daniel, 212, 258, 306; Moses L. 398.
 Churchill, Ambrose, 115; Amos, 72.
 Cilley, Joel, 113.
 Clark, Benjamin S. 306; Chloe, 118, 139; Darius, 78, 122; Gen. De Witt C. 487; Edwin, 342; Elijah, 308, 355, 372; Erastus, 352; Geo. 256, 366; Isaiah jr. 397; John, 114; Gen. Jonas, 86, 180, 189, 196, 199; Joseph, 74; Joseph R. 412; Hon. Myron, 299, 300, 302, 307, 344-347, 350, 390-393, 395, 434 — note on, 300; Hon. Samuel, 299, 301-2, 307, 344-347, 350, 390-393, 395, 434 — note on, 301.
 Clarke, Hon. Augustine, 11, 72; George, 304.
 Clays, Elijah, 218, 231.
 Cleaveland, Doct. Norman, 395, 398, 400, 403, 405, 427; Samuel and Samuel jr. 115, 138.
 Clement, Capt. 500.
 Clements, Francis, 256, 367; Ebenezer, 263; S. 304.
 Clinton County, N. Y., 485.
 Clogston, Abner, 324.
 Clough, Caleb, 366; Moses, 169, 208, 256, 319, 364, 408.
 Coates, Stephen, 267, 304, 414.
 Cobb, Ellis, 263; Joshua, 360; Nomlas, 214.
 Cobleigh, Lemuel, 114, 132.
 Cock, or Cook, Coles, 164.
 Cogswell, Cyrus, see *Blossom, Cyrus C.*
 Colburn, John P. 297.
 Colby, Daniel M. 410; William, 260.
 Cole, Anna, 215; Samuel, 308.
 Coleman, Gen. Zadock, 204.
 Collamer, Hon. Jacob, 53, 63, 294, 297, 335, 343, 385, 416, 433, 476, 500 — address of to Lafayette, 493.
 Collier, Richard, 323, 316, 352.
 Collins, Joseph, 118, 168, 215, 220, 262, 286; Richard, 112; Samuel, 352; Susannah, 215, 260, 283.
 Colonization Society, American, 248 — 9, 293, 466, 473, 477; Vermont, 240, 249, 268, 273.
 Colton, Moses L. 398.

General Index.

- Common Schools, 18, 20, 24, 49, 78, 121, 123, 134, 137, 143-145, 148-9, 167, 173, 182, 200, 213-14, 219, 221-223, 274, 305, 309, 312, 335, 341, 370, 372, 404, 416, 420, 440, 444, 448, 460, 469, 476.
- Comstock, Esek, 74, 162, 208, 256, 319, 367; Jeremiah, 74.
- Con, James, 304.
- Conant, Ebenezer, 70, 397; John, a convict, 5, 75, 113; Samuel S. 1, 60, 213.
- Cone, Jesse, 355.
- Conference, Vt. and N. H. Annual, 409.
- Congress, power of as to the tariff and internal improvements, 387, 476.
- Congressional caucuses, 137, 473.
- Conkling, Abraham, 162.
- Connecticut, 1, 253, 268, 409, 450, 474, 481-2.
- Connecticut river, 148, 152, 156, 193, 217, 225, 239, 244-5, 341, 384, 400, 403, 417, 419, 423, 450-51, 465, 479-482.
- Connell, J. O. 112, 163; William, 269.
- Connay, Henry, 415.
- Constitution, U. S., proposed amendments to, 103, 119, 136, 174, 175, 179, 211, 247, 292, 475, 478.
- Constitutional Conventions, 277, 294.
- Constitutional question as to taxation for schools, 309; as to aliens, 371; as to change of heirship, 342; as to power of the Supreme Court, 370.
- Converse, Gardner, 117; James, 114, 163, 347, 408; Shubael, 7.
- Cook, Jonathan, 74, 89; Nathan, 11, 40; Peter, 30, 33; Zaccheus, 124, 155.—See *Cock*.
- Coolidge, Elisha C. 398; Ira, 310, 365.
- Corliss, Leonard, 5, 69, 112, 166, 208.
- Corning, Capt. 500.
- Cossett, Samuel, 68, 112, 162-3.
- Cotton, Hon. John H. 26, 79, 124, 174, 269, 318, 320, 360, 365, 381, 412.
- Council of Censors, 233, 265, 274.
- County poor-houses, 404.
- Court, Supreme, see *Supreme Court*.
- Courts, U. S., in Vermont, 200, 232, 239.
- Crafts, Gov. Samue 203, 205, 207, 214 298-9, 301-2, 345, 462-3, 468, 474, 48 *ernor's Speeches*.
- Craig, George, 256.
- Cranch, Joel, 402.
- Crandall, Jonathan
- Crary, Appleton, 2
- Crawford, John, al 68, 113, 367; Hon.
- Cressey, John, 397.
- Criminals, incompe nesses, 6, 7.
- Crocker, Thomas, 1
- Cross, Gen. Samuel
- Crouch, Joel, 347.
- Crumas, (Cunnas, tiste, 303, 347, 400
- Cubley, William, 3
- Cully, John, 15, 38.
- Culver, Joseph, 11,
- Cumberland Count • 355.
- Cummings, Jotham
- Cunnas, Baptiste, 2
- Currier, Joseph, 14.
- Curtis, Almond, 2 316; Lemuel, 76; Stephen, 359.
- Cushman, Charles, N. 66, 110, 358, 398 359, 397; Gen. Se 291; Zebina, 308,
- Cutter, Rohana Ne Moses, 500.
- Dains, or Danis, Gec
- Dana, Hon. Anders Charles, 398; Cha Israel P. 1, 4, 8, 6 111, 116, 139, 150 205-207, 239, 252, notes on, 1, 503; J fret, 2; Hon. Josie 4, 66-7, 71, 108-11 166, 203, 206, 252;
- Darby, Abel, 72, 118
- Darling, Ebenezer, 167, 216; Elnathar
- Daulby, William, 110
- Davidson, Thomas, 4
- Davis, Africa and J 398; Alonzo, 5; Col. Jacob, 253; H 5, 347, 349-50, 361, 410, 413, 423, 434.

- 359, 403; Gen. Parley, 480, 483, 485; Thomas, a convict, 5, 15, 38; William, 256, 304, 367, 408.
- Davison, Albe, 266, 272, 306, 349, 359, 396.
- Day, Hannah and Isaac, 76; Pliny Enos, see *Doubleday*. Sergeant of the revolutionary army, 498.
- Deaf and Dumb, 13, 22, 73, 102, 105, 112, 126, 164, 171, 193, 195, 229, 269, 284, 295, 335, 370, 407, 416, 429, 431, 442, 445.
- Deane, Thomas, 162, 208, 256, 320, 347, 410.
- Debentures of the Lieut. Governor and Council, 63, 108, 158, 203, 252, 298, 344, 390, 434.
- Dee, Elijah, 353.
- De Forest, Elihu, 22, 122; Milla, 128.
- De Kalb, Baron, 488.
- Delano, Jabez, 349.
- Delaware, 409, 474.
- Deming, Benjamin, 176, 220; Hon. Benjamin F. 253-255, 259, 298-9, 301-2, 344-347, 390-393, 395, 434, 476—note on, 254; Harvey, 163, 270, 273, 283, 396; Leonard, 20, 65, 97, 106, 118, 126, 153-4, 167—note on, 97.
- Denison, George W. 214, 258, 306; Joseph A. 398, 500; Noyes, 171, 176, 216.
- Densmore, Artemas W. 263.
- Deputrine, Jonas, 379, 415.
- Devoll, (or Divoll,) Welcome, 177, 194.
- Dibble, Samuel, 162; Sylvanus, 210, 267.
- Dickerman, Isaac, 260; Richard L. 73, 136, 146, 150.
- Dickerson, Hon. Mahlon, 250.
- Dickinson, Oren, 115, 141, 257.
- Dike, Jonathan, 10; Jonathan jr. 10, 19, 87, 92, 208, 224; Reuben, 6.
- Dissent to resolution in favor of John Quincy Adams as President, in 1827, 286.
- District of Columbia, slavery in, 249.
- Divoll, Manasseh, 80.—See *Devoll*.
- Doane, John, 76.
- Dock Company, 372, 389-90.
- Dodge, Asa, jr. 114, 136, 142; John, 268, 271; Mark, 400, 413; Omri, 117, 146.
- Dog river, 481.
- Dogs, taxation of, 222.
- Dolloff, Samuel, 5, 6, 68, 112, 162.
- Doolittle, Isaac, 317; Hon. Joel, 19, 111, 132, 207, 255, 302, 319, 347; Joel 2d, 266; John, 312; Lucius, 14, 70, 114.
- Doty, Abner, 258; Elias, 396.
- Doubleday, Pliny, (name changed to Pliny Enos Day,) 9, 48, 54.
- Douglass, Nelson, 163; William, 132, 167.
- Dow, B. 267; Rev. John G. 365; Josiah, 304.
- Downer, John, 175, 480; Solomon, 114, 167, 183.
- Downey, Heman, 122, 167; Jeremiah, 5, 112, 162, 208; John, 68.
- Downie, Charles J. 408.
- Downing, J. P. 408; Perkins, 112.
- Doyle, John, 348, 360.
- Drew, George, 347; George W. 26, 70, 415.
- Drown, Stephen, 164.
- Duncan, Adam, 120; Archibald, a convict, 304, 362.
- Dunnell, Abel, 164.
- Dunning, Abel, 216.
- Durkee, Jireh, 266.
- Dwyer, James, 414.
- Earl, Edward, 367.
- East bay, 102.
- Easterbrooks, Mason, 10, 29, 35, 42.
- Eastman, Silas N. 27, 71.
- Eaton, Capt. 500; Ira, 124, 167, 216; Isaiah, 118.
- Eddy, James, 218, 257.
- Edgerton, Lieut. Gov. Lebbeus, 180, 393, 395; Uriah, 209.
- Edmond, David, 155, 193—note on, 503.
- Edson, Amasa, 355, 361; Gen. Joseph, 31; Sylvester, 381.
- Edwards, Calvin, 118.
- Elder, Samuel, 7, 38, 75, 114.
- Eldridge, John M. 180; Joseph W. 355, 359.
- Election of President and Vice President, 292, 475; of Governor and Lieut. Governor in Joint Assembly, 393-395.
- Election Sermon, preachers of, 3, 39, 67, 110, 138, 161, 186, 207, 226, 254, 264, 302, 311, 346, 358, 392, 412.
- Elliot, Daniel, 15, 72; Hon. James, 46, 449; Hon. Samuel, 106, 356, 476, 478.

- Ellis, Reuben, 280, 275; William R. V. 320.
 Ellsworth, William C. 9.
 Emerson, Charles, 162, 208, 212, 256; Enoch, 218; John C. 6, 16, 75, 260; Gen. Stillman, 381; Thomas, 169, 173, 247, 284.
 Emery, John, 218.
 England, 401, 474.
 Enos, Roger, 74.
 Ervine, or Erwin, John, 304, 415.
 Essex County, 60, 72, 78, 82, 92, 100, 101, 103, 120, 144-5, 153, 155, 166, 194, 201, 246, 251, 254, 383, 386, 399, 414, 433.
 Essex County, N. Y., 485.
 Estabrook, see *Easterbrooks*.
 Evans, Horace, 10, 51; John, 6, 16, 38.
 Evarts, Martin, 274.
 Everett, Hon. Horace, 21, 30, 99, 171, 176, 192, 195, 198, 229, 284, 335, 449, 481, 490.
 Fairbanks, Gen. Samuel, 31, 189.
 Farnsworth, Alden, 229, 248; Gen. James, 189, 204, 360; Joseph D. 67, 99, 100, 263; Simeon, 398.
 Farrar, Oliver, 18, 170, 178, 263, 291.
 Farrington, Ebenezer M. 396.
 Fassett, John L. 208; Jonathan, 18, 50, 60, 62, 79, 102, 104, 106, 156; Mary, 172.
 Fay, William, 117, 177, 193.
 Fayall, Faryall, or Ferryall, Joseph, 69, 112, 162, 208, 247.
 Fellows, Elisha, 348.
 Ferguson, see *Furgurson*.
 Ferries, 40, 80, 85, 88, 115, 128, 130, 133, 136, 141, 152, 157, 184, 193, 202, 234, 325, 329, 368-9, 376, 418, 428.
 Ferris, George, 146; George S. 129.
 Field, Abner, 76; Orin, 71; Robert W. 115.
 Fire Companies, 170, 186-7, 333, 336, 343, 355, 359, 372, 374, 376, 386, 396, 399, 403, 418, 424-5, 430.
 Fisher, William 222.
 Fisk, Abel, 28; J., a convict, 256; John, 178; Moses, 409; Simeon, 208, 267, 321; Rev. Wilbur, 186, 207-8, 221, 493.
 Fitch, James, 6; Hon. Lyman, 67, 107, 160, 205, 207, 214, 252-255, 259, 289, 293, 301, 344, 473—note on, 205.
 Fitzpatrick, Patrick, 347, 405; William, 304, 347, 405.
 Fleming, Alexander, 352, 370.
 Fletcher, Antipas, 397, 398; Gen. Asaph, 500; Asaph jr. 403; Calvin, 121; Hon. Isaac, 99, 123, 150—note on, 501; Parris, 178; Gov. Ryland, 115.
 Floyd, Meriner, 6, 76, 114, 163.
 Follett, Hon. Timothy, 392, 500.
 Folsom, Stephen, 198.
 Forbes, Gen. Abner, 299, 300, 302-3, 307, 344—note on, 300; William, 361, 374.
 Ford, Roswell, 10, 37, 44; Samuel, 398, 419.
 Fortifications proposed in Vermont, 372, 376, 381, 420.
 Foster, Charles W. 417; David G. 114, 167, 192, 201; George W. 129; Joseph, 122.
 Fowler, David, 6, 68, 112, 162, 208, 267, 313, 315; David L. 9—see *Fowles*; Elisha A. 122, 125.
 Fowles, David L. 30, 33-4, 503.
 Fox, John, 125, 132.
 France, 247, 474, 488.
 Francis, Edward, 68, 113; Gen. John 104, 189, 500.
 Franklin County, 36, 61, 91, 99, 102, 104, 114, 118, 130, 132, 139, 141, 144, 146, 150, 175, 184, 296, 345, 384, 428, 433.
 Franklin County, N. Y., 485.
 Freeman, Francis, 256; Israel W. 367, 408; John B. 6, 208, 227-8; Welcome, 312, 326; William, 103, 112, 166, 187.
 French, Asaph, 122; French & Harvey, 479; Jeremiah, 20, 57, 61; John, 216; Samuel, 304; Thomas G. 258.
 Frost, Isaac or Israel D. 112, 162, 233, 265; Joel, 356, 368; Joseph, 76, 208, 398, 418.
 Fuller, Absalom, 80; Cyrenius M. 70, 74, 115; Elisha, 360; Nathan, 27; Nathan E. 409; Thomas, 70, 113, 144.
 Fullam, Sewall jr. 354.
 Furgurson, Elijah, 310.
 Gaffney, Patrick, 169.
 Gage, Jacob B. 76, 112, 163.
 Gale, Emory, 315.
 Gallup, Joseph A. 210, 262-3, 322, 349; Oliver 19.

- Galusha, Henry, 229, 237; Gov. Jonas, 72, 99, 138.
 Gammell, Hugh, 266.
 Garlick, Joshua, 149, 167.
 Gary, Stephen, 405; William, 112, 162, 208.
 Gates, Luther F. 312, 349.
 Gee, John, 304, 347; P. P. 265, 321, 367.
 Genio, Burgess, 222.
 George, Edmund, 317.
 Georgia, 68, 103, 136, 174, 268, 292, 317, 355, 387, 406, 432, 466, 474-476.
 Gibbs, David or Daniel, 210, 236.
 Gifford, William, 78.
 Gilbert, James A. 260; Martin, 216, 236; Thomas, 68, 112, 162, 208, 267, 304, 319.
 Gilford, Samuel W. 243.
 Gillett, Caleb R. 304, 367, 407; James A. 262, 271.
 Glebe lands, 100, 140, 155.
 Going, William, 162, 208.
 Good, P. P. 321.
 Goodell, Ebenezer, 212.
 Goodno, [Goodenough,] Jesse, 117, 146.
 Goodrich, Timothy, 118.
 Goodsell, Rev. Buel, 186.
 Goodwillie, Rev. Thomas, 226, 254, 256.
 Goss, Daniel, and Levi, 173, 227, 270, 282; Jonathan, 257; Samuel, 500.
 Gould, D. O. 6, 16, 38; Jeremiah, 415; John, 347, 415; William, 405.
 Goulett, Mary, 120, 126.
 Governor, casting votes of, 15, 16, 55, 60, 104, 406; Speeches of: Gov. Skinner's, 435—Gov. Van Ness's, 438, 443, 448—Gov. Butler's, 462, 456—Gov. Crafts's, 459, 463.—See *Votes for*.
 Governor and Council, bills suspended by, 55, 62, 103, 106, 199, 250-51, 431; powers of, and of the House, in question, 225, 229, 233, 235, 245, 259, 261; reasons of for dissenting from the House, 32, 34, 37-8, 40, 43, 45-49, 51, 53-4, 56, 58, 82, 89, 90, 95-6, 342, 353, 371, 373, 375, 378-9, 382-384, 386-389, 414, 423, 428, 430.
 Governor and Lieutenant Governor, election of in Joint Assembly, 393-4.
 Gowdey, Ralph, 396, 420.
 Graham, Col. James D. 455-6.
 Grammar Schools, see *Academies*.
 Grand Chapter of Vermont, 221, 231, 413.
 Grand Isle County, 36, 96, 119, 139, 141, 143, 145, 151, 175, 204, 385, 433.
 Grand Lodge of Vermont, 86, 413.
 Grafton County, N. H., 268.
 Granger, Lyman, 163.
 Graves, James A. 309; William, 68.
 Gray, Henry, 142, 212.
 Great Britain, 247.
 Greece, 440.
 Green, Adin H. 118; Betsey, 118, 139; Nelson, 146; Rufus, 70, 169; Rufus H. 6, 113, 219.
 Gregory, I. 500.
 Gregson, Edward, 115, 128.
 Griffith, Philip, 210.
 Griswold, Isaac, 132; Hon. William A. 17, 31, 184, 489—address of to Gen. Lafayette, 496.
 Groomes, Elijah, 6, 16.
 Grout, Abel, 210.
 Guilford, Daniel W. 230.
 Guindon, Nicholas, 76, 91.
 Guinos, Burgess, 162.
 Guyer, Thomas, 117, 150.
 Haggert, Alexander, 69, 77.
 Haight, Hon. Stephen, 2, 43, 48, 59, 62, 123, 151, 157, 170, 174, 260, 274, 279, 365, 381, 413—note on, 473.
 Hale, Elizabeth, 178; Joshua, 80; Hon. Salma, 99.
 Hall, Benjamin, 22, 50, 52, 56; Chas. 96, 137, 167, 175; Elias, 79, 82, 100, 149, 155-6, 172, 197, 284; Jairus, 250; Levi, 306, 351, 364; Mosely W. 115; Thomas, 399; William, 175, 294, 335, 370, 416; William jr. 11.
 Halligan, James, 347, 417.
 Ham, or Hams, John, 17, 69.
 Hamilton, Rufus, 397.
 Hammond, C. H. 163; George W. 263; Hon. Thomas, 168, 215, 258; Thomas D. 476.
 Handlin, or Hendlen, Thomas, 7, 16, 69, 76, 83.
 Hankshurst, Nathaniel, 80.
 Hardy, Charles, 215; Clark, 229.
 Harrington, David, 365, 376; Enos, 163; Ira, 6, 23, 97, 100; Capt. I. H. 500; William L. 241.

- Harris, Calvin S. 238; Hon. Jedediah H. 247, 284, 299, 302-3, 307, 328, 344-347, 350, 377, 390-393, 395, 419, 422, 434, 485—note on, 299; Samuel, 415.
- Hart, Noah D. 10.
- Harvey, James, 6, 69, 112, 162, 222, 256; J. H. 267, 271, 329, 348.
- Haskell, Benjamin F. 268, 396; Rev. Daniel, 30, 86; Elizabeth, 306, 340.
- Hatch, Hon. Uriel C. 1, 2, 4, 8, 44, 63—note on, 2.
- Hathaway, Reuben T. 6, 69, 112, 162, 208, 267, 349; Silas, 14, 20, 44, 52, 57-8, 60-62; Silas jr. 272, 329, 362.
- Haven, Simeon, 118.
- Hawkins, Gen. Stephen, 286.
- Hawley, Major, 22; Noah, 343; William, 208, 304, 367, 415.
- Hayden, Warren, 352.
- Hayward, Allen, 222, 265; James, 486.
- Hazelton, Dwight, 6.
- Hazen, Rev. Austin, 1; Allen, 503.
- Heath, John, 48.
- Henry, James, 14, 23, 25; William, 76, 163.
- Herrick, Chester, 396; Isaac, 176, 182; William B. 6, 76, 114, 169.
- Hewett, Adonijah, 208, 267, 280, 309; Adonijah T. [probably the "T." is an error of the Secretary], 162.
- Hibbard, Hon. David jr. 101, 135.
- Hickock, Benjamin, 210, 236; David, 210; Elias, 210, 236; Samuel, 30, 500.
- Hickcox, Selah, 6, 69, 113, 162, 222.
- Higgins, Joel and Joseph, 69.
- Hildreth, Jacob, 215; Oliver, 410.
- Hill, Elliot C. 321, 347, 408; George W. 485; Ira, 305; Joseph, 213; Lucius, 112, 169, 208, 256, 304, 367, 415; Nathan S. 504; Uriah, 216.
- Hinman, Timothy, 399.
- Hinsdell, Lucinda, 260; Mitchell, 110; Stephen, 166, 304.
- Hitchcock, Lemuel, 215; Seth J. 74, 101; William W. 352.
- Hodges, Hon. George T. 384, 420; Henry, 117, 169, 215, 260.
- Hoffman, Anthony, 480; Samuel, 214.
- Hogg, Josiah, or Joseph, 250, 304, 347.
- Holbrook, John, 210, 374, 397.
- Holden, Jabez P. 405.
- Holgate, Samuel, 164; Samuel jr. 215.
- Holland, Jonathan, 168, 220.
- Hollenbeck, John B. 219.
- Holley, Hon. Samuel H. 64-5, 67, 70, 96, 108-111, 116, 158-161, 165, 197, 203, 205-207, 213, 230, 238-9, 252-255, 259, 298—note on, 65.
- Hollister, Horace, 76, 125; Joseph C. 113, 312.
- Holy Alliance, the, 137, 474.
- Hooker, Thomas, 10, 70.
- Hooper, Foster, 164.
- Hopkins, Gen. Elisha, 46, 148, 188; Samuel, 10, 23, 30, 32; Sarah, 132.
- Hopkinson, Hon. David, 254, 503; David jr. 25, 37, 40, 253-255, 257, 259, 289, 298—note on, 254; Noyes, 120-21, 139, 399.
- Horton, Hon. Valentine B. 500.
- Hough, Joseph, 117.
- Houghton, Asa, 237; Joel, 352, 375; Jonathan, 260, 262, 271.
- House, Alvin, 10.
- House of Representatives and Governor and Council, powers of, 225, 233.
- Hovey, Edmund C. 169, 193; Samuel H. 79, 80.
- Howard, Allen, 6, 68, 112, 162, 178, 256; Rev. Leland, 39, 412; Zephaniah, 170.
- Howe, James and Sarah, 226, 237.
- Howes, Hon. Joseph, 68, 152, 196, 199, 200, 227, 257-8, 285-6, 294, 333, 365, 381, 383, 416, 427, 429, 480.
- Hoyt, Hon. Ezra, 299, 300, 302-3, 307, 344-347, 350, 390-393, 395, 434—note on, 300; Rev. Otto S. 99.
- Hubbard & Cadwell, 479.
- Hubbard, David, 25, 48; Hon. Jonathan H. 171; Orin, 214; Capt. Timothy, 480.
- Hubbell's Falls, 57.
- Hudson river, 479, 481.
- Hugh, Calvin, 260, 306.
- Hughes, Humphrey, 405; Thomas, 347.
- Hughs, Jesse, 216.
- Hunt, Eli, 80; John, a convict, 69, 112, 162, 208, 304; Hon. Jonathan, 111; Josiah, 256; Luther B. 102, 145, 156, 212; Stephen, 8.
- Hunter, Franklin, 500; Jabesh, 26,

- 79, 124, 174; Hon. William, 391; Hon. William G. 384, 388, 391, 393, 395, 434—note on, 391.
- Huntington, Daniel G. 74, 101; J. D. 83.
- Huntley, Jonathan, 9, 37; Lyman, 33, 37, 44.
- Hurlburt, Israel, 79, 91; David jr. 129, 146.
- Hutchins, Lewis, 398.
- Hutchinson, Amos, 78; Ebenezer, 41, 46, 189; Oramel, 73; Hon. Titus, 138, 156-7, 174, 185-6, 208, 214, 264, 304, 358, 362, 410—address of to Lafayette, 492.
- Hyde, Archibald W. 500; Ceril, 316; Elisha, 414; Jedediah, 11.
- Ide, Simeon, 186.
- Illinois, 88, 474.
- Imprisonment for debt, 13, 14, 41-2, 71, 119, 139, 211, 277, 280, 333, 337, 389, 404, 425, 428, 444, 448, 455-6, 468.
- India, 1.
- Indiana, 474-5.
- Indians, Iroquois, 225, 247.
- Ingalls, Edmund, 122.
- Ingersoll, Rev. George G. 358, 392, 394.
- Ingham, Ephraim jr. 78, 94; Micajah, 121, 167; Oliver, 135, 140, 405.
- Insolvency, 437.
- Inspector General of beef and pork, 241, 260, 262, 275, 286.
- Insurance Companies, 1, 153, 195, 199-201, 246, 260, 262, 275, 279, 286, 292, 368, 385, 389, 416, 428.
- Internal Improvements, 250, 293, 466, 469-471, 476, 479-487.
- Irvine, John, 347.
- Jackson, Amelia, 321; President Andrew, 65, 137, 289, 445, 472; John, 63, 96, 138, 195, 281, 338, 400, 503; John, a convict, 256, 304, 347; P. 256.
- Jameson, Thomas, 409, 429.
- Janes, Henry F. 391, 393, 395, 434—notes on, 391, 504; Horace, 396.
- Jaquith, Josiah, 78, 115, 164 instead of Jonah, 503.
- Jarvis, Hon. William, 117.
- Jeffreys, Anthony, 162, 223.
- Jenison, Gov. Silas H. 330, 476.
- Jenness, John, 223, 267, 279; Jonathan, 113.
- Jennison, Charles, 114, 167; Joseph, 70; Joseph N. 9; Joseph S. 114, 167, 396; Nahum, 114, 167, 219, 257, 315, 396.
- Jepherson, Jedediah, 152; Russell, 121, 170, 211.
- Jerman, James, 7, 17, 77.
- Jewett, Samuel, 328.
- Jillett, William, 306.
- Johns, Alexander, 417.
- Johnson, Aden, 259; Austin, 208, 263; Eliakim H. 11, 117, 173; George, 364, 408; Jacob, 313, 347, 396; James, 71, 218, 225; John, 120; John, a convict, 163, 256, 304; Miles H. 396; P. J. C. 267, 309, 311; Robert, 112-13, 144; Russell, 88; Thomas, 21, 32; William, 6, 17, 77, 113.
- Jones, Catherine, 117, 151; John, 6, 9, 17, 77; Samuel, 304, 367; William, 304, 367, 415.
- Josselyn, Amasa, 35, 70.
- Jourman, James, 114.
- Joyelin, Calvin, 48, 118.
- Judd, Hon. Eben W. 1, 2, 4, 8, 63, 108—note on, 2; George H. 405.
- Judson, Joshua, 266.
- June, Henry, 113, 138.
- Justices of the Peace, limitation of number, 318.
- Keeler, Lewis, 114, 167, 180; Wolcott H. 152, 218, 280.
- Keith, Calvin J. 203, 205, 238, 252-3, 286, 298-9, 333, 345, 391—note on, 203; Rawsel R. 205, 218, 252-3, 298-9, 391, 344-5, 390, 434.
- Kelley, Capt. J. 500.
- Kellogg, Hon. Daniel, 30, 64, 66, 68, 108-9, 113, 159, 161, 165, 182, 190, 205, 211, 251, 253, 257, 297, 299, 449, 490—note on, 66; Gen. John, 129, 138, 189, 196, 219, 254, 294, 416, 427.
- Kelsey, Curtis jr. 10, 79.
- Kelton, Nahum, 478.
- Kendall, Benjamin F. 361.
- Kennedy, John, 269; Joseph, 70.
- Kent, Jacob, 315, 349, 382.
- Kentucky, 17, 476.
- Kenyon, Daniel, 208, 234.
- Keyes, Abel, 171; Hon. Elias, 11, 14, 29, 79, 174, 180, 196, 201, 473; Samuel W. and Stephen S. 145, 188, 196; Thomas, 74.

- Kezar, or Kazar, Elijah, 6, 223, 267;
 Hiram, 6, 16, 38.
 Kidder, Francis and Sally, 124;
 Norman R. 146.
 Kilburne, John, 118, 167, 216, 256,
 271, 310, 363.
 Kimball, Amos, 69, 112, 169; Hor-
 ace, 617; Isaac, 73, 101; Levi,
 129, 143.
 Kimpton, Paul W. 126, 146.
 King, Joel B. 256, 304, 367, 415;
 Otis, 70, 84.
 Kingman, Captain, 153; Nehemiah
 W. 261.
 Kingsland, Thomas, 8.
 Kingsley, Milo W. 10.
 Kinney, Zurishaddai, 274; Asa, 23,
 25, 162, 176.
 Knapp, Hylon, 256.
 Knight, Ephraim, 17; Isaac, 73, 214,
 229; John jr. 398, 418.
 Knowles, Jonathan, 9, 70.
 Knowlton, William 2d, 163, 178.
 Ladd, Abner, 398; Ephraim, 113;
 Gen. Perry G. 147.
 Lafayette, Gen. 123, 153-4, 183-4,
 196, 447, 449-50 — tour and ad-
 dresses of in Vermont, 488-502 —
 last act of in America, 501 — note
 on, 488; George Washington, 489-
 90.
 Lake Champlain, 80, 215, 217, 226,
 230, 239, 248, 257, 270-71, 279, 286,
 292, 296, 325, 329, 376, 420, 450-51,
 465-6, 479-483, 485; Connecticut,
 450-51, 481; Erie, 482; Memphre-
 magog, 321, 328, 413, 437, 450, 467,
 471, 481-2; Ontario, 484.
 Lake, Henry, 210.
 Lakin, John, 425.
 Lamb, Alvan, 409; Doct. Edward,
 480; Harvey, 183; Reuben A. 398.
 Lamoille, Canal, 482; County, *pro-
 posed*, 413, 416.
 Land taxes, special, condemned,
 461.
 Langdon, Hon. Chauncey, 64, 67,
 82, 89, 108-111, 116, 158-161, 166,
 178, 185, 195, 203-4, 206-7, 214,
 218, 229, 232, 252-255, 259, 280,
 284, 298-9, 301-303, 307, 335, 344-
 347, 358, 370, 390, 478; Gad, 221;
 Col. James H. 29, 341-2.
 Lanks, John 3d, 72.
 Lapham, Elisha, 306; Nathan, 218.
 Lapish, Truman, 130, 146.
 Larabee, John S. 230, 338.
 Lasel, Bingham, 101, 137, 167.
 Laughlin, Thomas W. 370.
 Lawrence, Gen. Ville, 117, 148.
 Leavins, Charles, 215, 216.
 Lee, Hiram, alias John Crawford,
 322, 367, 406; William, 121; Will-
 iam C. 92, 112, 405.
 Leffingwell, Joseph, 224, 235.
 Legislative reports, 197-8, 207.
 Leland, Lieut. Gov. Aaron, 1, 8, 34,
 63-4, 66-7, 108-111, 116, 118, 158-
 161, 165, 195, 203-4, 206-7, 213, 229,
 284; Alexander, 14, 23, 25; Josh-
 ua, 218; Otis, 118, 167, 263, 306;
 Simeon, 346.
 Leonard, John, 403.
 Lewis, William, 266.
 Library, State, see *State Library*.
 License Law, 464.
 Light Houses, 177, 187.
 Lillie, Daniel, 122.
 Lillis, Michael, 304, 408.
 Lincoln, Willard, 70.
 Lindsey, Rev. John, 3, 5.
 Linsley, Charles, 272.
 Litch, Manasses, 406.
 Little, Erastus, 304; Joseph, 405;
 Samuel, 378.
 Locke, William, 208, 223.
 Lockwood, Samuel, 256, 305.
 Longley, Ezekiel, 214; William, 69,
 169, 208, 267, 334.
 Long Island Sound, 450.
 Loomis, Elijah, 310, 325, 329; Hor-
 ace, 500; Hon. Jeduthun, 480;
 Russell, 125.
 Lotteries, 131, 172-3, 177, 179, 182-3,
 211, 218, 221, 223, 239, 249, 295,
 318, 324, 419, 455-6.
 Louis Phillippe, 489.
 Louisiana, 363, 409, 432, 475.
 Loux, or Loucks, William, 256, 304,
 347, 405.
 Love, John, 20; Jonathan E. 322,
 369, 424.
 Loveland, Rev. Samuel C. 138.
 Lowe, Jonathan E. 208 — see *Love,
 Jonathan E.*; Robert, 230.
 Lower Canada, Governor of, 467,
 471.
 Lowry, Heman, 177, 216, 233, 500.
 Lucas, Jesse, 304, 367.
 Luce, Oliver, 169.
 Lull, Capt. J. jr. and L. 500.
 Lumbard, John, 93.
 Lyman, Abel, 73; Andrew, 128;

- Elias, 308 ; Elias jr. 182, 216, 234, 349 ; Hon. Job, 17, 42-44, 63, 73, 84, 96, 138, 171, 195, 281, 338, 345, 347-8, 350, 384, 390, 392, 420, 434, 503—note on, 345 ; John jr. 304 ; Wyllys, 251, 370, 392, 416.
- Lynde, John and John Stewart, 96.
- Lyon, Jacob, 137 ; Josiah, 359, 397 ; Moses, 163, 166, 218.
- McConnel, John, 405.
- McDonald, Jeremiah, 121.
- McDougal, William, 235.
- McDuffie, John, 324, 356, 358, 368, 377, 400, 466, 483-4—notes on, 466, 483.
- McGee, Jeremiah, 69, 114.
- McGowan, Arthur, 305, 325.
- McLaughlin, Peter, 171.
- McLeran, or Laren, Elijah, 284 ; James, 8, 214, 241, 256.
- McNeil, Charles, 76, 80.
- Mack, Daniel, 396, 407 ; James, 10.
- Manchester County, *proposed*, 424.
- Maine, 2, 126, 136, 174, 268, 293, 297, 475-6.
- Mallery, Abner, 175 ; Hon. Rollin C. 101.
- Mallery, Chester, 304.
- Mann, Solomon, 500.
- Manufactures, 13, 21-2, 25-6, 37, 47, 54, 73, 79, 100, 101, 121, 137, 139, 142, 145, 151, 163, 166-7, 178, 181, 186-7, 190, 194-5, 197, 199, 200-202, 224, 230-31, 233, 235, 245-6, 265, 268, 272-274, 276-7, 285, 291, 294, 309, 312, 314, 317, 319, 321, 325-327, 330-332, 334, 339-341, 343, 358, 368-9, 374, 438-9, 442-3.
- Maps, 24, 46, 189, 379.
- Marsh, Hon. Charles, 416 ; Hon. George P. 116, 129, 138, 445 ; Rev. James, 264 ; Johnson, 212 ; Rodney C. 396 ; Stephen, 257.
- Marshall, William, 72.
- Martin, Andrew, 304 ; Enoch, 358 ; John, 322 ; Luther, 351.
- Maryland, 41.
- Mason, John, 138.
- Massachusetts, 17, 88, 103, 126, 450, 481-2, 484, 486-7.
- Mather, Gen. Phineas jr. 189.
- Matthews, Ebenezer, 348 ; Timothy, 309.
- Mattison, Lyman, 115, 138.
- Matlocks, Gov. John, 99 ; Samuel, 8.
- May, Gen. Mills, 189, 270.
- Mazuzan, Erastus, 308.
- Meach, Hon. Ezra, 185, 393 ; Maj. Erastus, 500.
- Meacham, John, 117, 150 ; M. R. 132.
- Mead, Daniel, 171, 216, 246.
- Medcalf, or Metcalf, Harvey, 30, 77, 117.
- Medical School, 322 ; Medical Society, U. V. M., 199 ; Caledonia County, 368.
- Meeder, Betsey, 265, 269.
- Mellen, Calvin, 267, 304, 415.
- Meoris, Edward, 162.
- Merrill, Calvin, 208 ; Jonathan, 164 ; Hon. Orsamus C. 109, 111, 116, 158-161, 166, 203, 205-207, 210, 214, 252-255, 259, 289, 298, 301, 476—note on, 109 ; Hon. Timothy, 5, 66, 68, 109-111, 160-61, 206-7, 254-5, 301-2, 346-7, 392-3, 480.
- Metcalf, see *Medcalf*.
- Middlebury College, 44, 54-5, 59, 128, 160, 221.
- Miles, James, 305.
- Military, 10, 12, 14, 17, 19, 22, 24, 26-7, 31-2, 35-39, 44, 46, 71, 78, 81, 84, 86, 94, 98, 101, 104, 129, 131, 135, 138, 141, 143, 145, 148, 151, 154, 169, 173, 189, 204, 225, 229, 258, 270, 274, 281, 286, 310, 316, 320, 350-353, 362, 364-5, 369-70, 381, 386, 415, 417, 427, 432, 442, 444, 448-9, 457, 464, 471.
- Military Academy, Norwich, 12, 35, 71, 94 ; West Point, 65.
- Millen, Calvin, 361.
- Miller, Mrs. Sarah, see *Hopkins Sarah*.
- Minot, Christopher, 72.
- Missisquoi bay, 198, 325, 329.
- Missisquoi river, 75, 80, 82, 145, 241.
- Mississippi, 137, 409, 473-4.
- Missouri, 355, 357, 363, 387, 474, 476.
- Mitchell, Sophia, 198.
- Monroe, Bohon S. 677, 682 ; Cornelius, 405.
- Monroe doctrine, 137, 473-4 ; President James, 448, 473.
- Montague, Erastus, 260, 284.
- Montpelier Canal, 482 ; meeting-house Society, 209 ; and Wells River railroad, 466.
- Mooney, Thomas, 136.
- Moore, Rufus, 10.
- Morgan, Timothy, 17, 38.
- Morrill, John C. 358 ; Hon. Justin S. 300.

- Morris, Simon, 347, 405.
 Morrison, Benjamin, 331; John, 262; Samuel, 266.
 Morse, David, 29, 270, 306; Joseph, 218, 220; Moses, 312; Moses jr. 325; Zelotes, 314, 332.
 Morton, Gen. James L. 151; Otis, 117.
 Mott, Benjamin, 216, 234; Lewis and John, 132; Joseph M. 216, 234; Wallis, 115, 132; William, 216, 234, 310, 325, 329.
 Moulton, John, 182; Samuel, 214.
 Mower, Capt. Benjamin F. 500; Maj. Gen. Lyman, 104, 490.
 Mumford, Phebe, 21.
 Murdock, Schuyler, 427, 430—note on, 427.
 Murphy, James, 162, 304, 367; Patrick, 112, 165, 170.
 Murray, John, 163, 166.
 Nash, Rev. Sylvester, 358.
 Nason, Elijah, 71.
 Navigation Co. 152.
 Needham, Nicanor, 11; Rohana Cutter, 40, 49.
 Nelson, Charles, 322; Jonathan, 296.
 Newell, Gordon, 72.
 New Hampshire, 126, 411, 419, 426, 450, 466, 481-483, 486, 490.
 New Jersey, 250, 474.
 Newton, Jabez, 256; Joseph, 396; Josiah, 419.
 New York, 88, 103, 245, 485-6.
 Nichols, Miriam, 164, 190; Peter J. 357; William H. 69, 112, 162, 223.
 Nicholson, Richard H. 320.
 Nightingale, Elizabeth, 9; Joseph, 48, 50.
 Niles, John, 76, 85, 88, 400; Nathan, 125, 164, 170, 201.
 Noailles, Duke de, 488.
 Noble, James, 115; Levi, 77; William W. 6, 77, 113.
 Nooney, Thomas, 114.
 Norris, David, 7, 77, 112, 162; Nealy, 256, 304, 367; Samuel, 335; Susan, Edson, and William, 234.
 North Carolina, 17.
 Northern N. H. Railroad, 487.
 Norton, Isaac, 257; Joel, 217.
 Nourse, Jeremiah, 9, 82, 129, 168.
 Noyes, Parker, 115, 167.
 Nullification, 462.
 Nutting, William, 185-6.
 O'Brian, David, 304, 367, 409.
 Odel, Ezekiel, 415.
 Office-seeking discouraged, 258.
 Ohio, 17, 24, 41, 136-7, 174, 245, 268, 317, 409, 474.
 Olcott, Mills, 86, 88, 90.
 Older, David W. 208, 318, 364, 415.
 O'Leary, Arthur, 304, 367.
 Olin, Lieut. Gov. Henry, 58, 63, 106, 253, 255, 257, 262, 298-9, 301-2, 325, 345-347, 390.
 Onion, Ichabod, 162, 184.
 Onion [Winooski] river, 182, 190, 193, 341, 465, 480, 482, 484-5.
 Orange County, 48, 96, 98, 106, 184, 189, 205, 300, 384, 433, 480, 485.
 Orcutt, John, 120, 156.
 Orleans County, 20, 40, 77, 183, 191, 301, 384, 399, 405, 414, 433.
 Ormsby, Benjamin, 249, 256—note on, 249.
 Otikirke, Harvey, 267.
 Otter Creek, 95, 141, 143-4, 174, 201-2, 217.
 Paddock, Hon. Ephraim, 244, 294, 335, 338, 358, 370, 410, 416; James A. 471; Robert, 216; Solomon, 164, 194; William E. 122.
 Page, Abel, 84; John jr. 210, 235; John R. 69, 113, 163; Samuel, 380; William, 370, 416; William G. 266, 275.
 Paine, Gov. Charles, 486; Hon. Elijah, 402, 489—address of to Lafayette, 494.
 Palmer, Daniel, 112, 170, 220, 269, 325, 367; Rev. John E. 162; Walter, 263; Gov. William A. 255, 393, 395.
 Park, or Parks, Luther, 72, 113.
 Parker, Capt. 500; Francis D. 358; George W. 72, 84; Pliny, 397; Samuel, 10, 70, 114.
 Parkhurst, Charles K. 162, 210; Jabez K. 304, 313, 329, 356; Jared, 74; Phinebas, 233.
 Parsons, Elisha W. 11; Samuel, 11, 44, 275, 285.
 Partridge, Capt. Alden, 12, 31, 35, 71, 86, 94, 99, 441; Amos, 70.
 Party spirit condemned, 462, 464.
 Passumpsic Canal, 482.
 Passumpsic and Connecticut Rivers Railroad, 487.
 Patchen, Asa, 268.
 Patten, Patrick, 270.

- Paul, Adolphus, 414.
 Peake, Daniel, 333.
 Peaslee, Zachariah, 20.
 Peck, Eli, 208, 257, 322, 373; John, of England, and of Royalston, Mass., 206; Gen. John, 1, 63-4, 159, 203, 205-208, 213, 252 — note on, 205; Joseph, 205-6; Julius C. 205, 252; Hon. Lucius B. 206; Nahum, 476; Noah, 118, 168, 215, 260.
 Penniman, Jabez, 30.
 Pennsylvania, 103, 245, 409.
 Pensions, 338-9.
 Perkins, Elisha, 231; James, 396, 423, 430; John, 104; Luther, 214; Stephen, 79.
 Perrin, Abel, 215.
 Perry, Abner, 210; Calvin, 214, 248.
 Persia, 1, 503.
 Peters, Absalom, 162, 176.
 Petrie, James, 308, 349.
 Pettes, Frederick, 363.
 Pettibone, Hon. John S. 255, 357, 360.
 Phelps, Abel, 397, 418; Benajah, 212; Hon. Charles of Townshend, 1, 3-5, 8, 37, 40, 43, 47, 58, 63, 218; Francis E. 171; John, 306; Sarah, and Hon. Samuel S. 159; Theodore, 263.
 Philip, Indian King, 401.
 Phillips, Asa, 169, 171; Samuel, 270.
 Pier, Norman B. 369, 385; Philetus, 82.
 Pierce, Hon. David, 68, 122, 179, 226, 264, 311, 358, 412; Edwin, 398.
 Pierpoint, David, 159; Hon. John, 160; Robert of Manchester, 159; Hon. Robert of Rutland, 99, 159-161, 165, 191, 195, 202-3, 205, 207-8, 210, 222, 235, 245, 252-255, 259, 281, 298-9, 301-303, 307, 344-347, 350, 360, 384, 390-393, 396, 420, 422, 434, 481, 503—note on, 159.
 Pierson, Uzal, 57-8, 60-62.
 Pilsbury, Enoch, 410.
 Pitt, John W. 10.
 Pitts, Catherine, 270.
 Platt, James H. 221; Hugh, 7.
 Plumley, John, 347, 415; Silas, 69, 112, 169, 223, 270.
 Political notes, &c., 65, 280-81, 286, 289, 298, 328, 347, 391, 395.
 Pomeroy, John, 30; Milo, 322, 397, 402.
 Pond, Philip, 396.
 Porter, David, 208, 257, 327; James, 396, 420; Samuel W. 301.
 Potter, Ralph, 372.
 Powell, Elizabeth, 308, 335; Truman, 10, 330.
 Pratt, Benjamin, 19, 29, 40, 44, 70; Elijah, 405; Hon. Joel, 1, 3, 4, 6, 33, 63-4, 66-7, 70, 108, 110, 166; John A. 348, 359, 412; William B. 396.
 Prentiss, Alfred, 7, 17, 100; Edgcombe, 256; Frederick J. 504; Doct. Samuel, 401; Hon. Samuel, 19, 44, 99, 174, 214, 255, 264, 303-4, 347, 358, 393, 401, 480, 504—notes on, 124, 149, 401; Hon. Samuel B. 402; Stephen, 7, 38; Capt. Thomas, 401.
 Prescott, Lieut. Gen. Richard, 502; William W. 361.
 Presidency, single term of, 458, 478.
 President and Vice President, mode of election of, 387, 432, 445, 475.
 Presidential electors, 116, 119, 127, 129, 131, 154, 175, 179, 447.
 Prince, Horace, 213.
 Prindle, Martin, 396.
 Prison discipline, 465.
 Procter, Rev. Hadley, 412.
 Proctor, Hon. Jabez, 1, 2, 4, 63-4, 66-7, 70, 108-111, 116, 138, 158-161, 165, 203, 205-207, 222, 252, 254, 298—note on, 2; Gov. Redfield, 2.
 Prussia, 474.
 Public lands, U. S., 105.
 Pulsipher, John, 260.
 Purdy, Truman, 305, 325.
 Putnam, Gen. Israel, 1.
 Putvah, J. B. 7, 17, 38.
 Quackenbush, Peter N. or W. 7, 77.
 Quarter-Master General, 61, 71, 94-5, 98, 102, 129, 141, 153-4, 194, 274, 400.
 Question of order, 43.
 Railroads, 428, 451, 479, 482-487.
 Rand, Gen. Denzel D. 350.
 Randall, Betsey, Judith, Rhoda, and William, 272, 276, 284, 353, 363.
 Ransom, Gov. Epaphroditus, 254; Robert, 405; Col. R. M. 500.
 Ray, Elos, 262, 271.
 Raymond, Lyman, 162, 194.
 Reed, John, 24; Lyman, notice of, 484-5.

- Remington, Elijah, 213, 216, 228.
 Remsen, Peter, 208.
 Reporter and reports, see *Supreme Court*.
 Reynolds, John, 304, 364.
 Rhoades, John A. 143.
 Rhode Island, 126, 502.
 Rice, Daniel H. 70, 113; Capt. George W. 18, 500; John, 7, 16, 38.
 Richards, Lieut. Gov. Mark, 393-396, 434, 503.
 Richardson, Israel P. 29, 40.
 Richmond, Capt. 500.
 Ricker, Joseph, 262.
 Right of representation, 38-9, 44-5, 55.
 Riley, Thomas, 322.
 Ripley, Samuel, 14, 70, 114; Sylvanus, 376.
 Rising, Amos, 173.
 Ritchie, A. H. 504.
 Rix, Daniel, 500.
 Rixford, Isaac, 73.
 Roberts, Hon. John, 3, 64-5, 67, 109, 111, 116, 144, 158-161, 165, 203, 205-207, 214, 225, 233, 252-255, 259, 298, 395—note on, 65; Gen. Martin, 19, 30, 32, 151, 320.
 Robie, John 2d, 397-8.
 Robinson, Calvin, 9, 70, 114, 134; Eber, 171; Ephraim, 114; Hon. George of Burlington, 53; Gen. Henry, 117, 320, 410; James, 112, 164, 223; John, 260; Moses, 130.
 Rockwell, Merritt, 332.
 Rogers, Adonijah B. 76; Hanson, 147; Jabez, 172; John, 418; Luther, 220; T. W. P. 504.
 Rolfe, Gen. Benjamin, 142, 152, 229, 266, 310, 365.
 Rollins, Joseph, 306, 349; Joshua N. 7, 17, 38; Reuben, 7, 77, 103, 133, 162, 223.
 Rose, Hannah, 400.
 Rowell, William 218.
 Royce, Col. Rodney C. 344, 393; Gov. Stephen, 7, 151, 174, 214, 264, 283-4, 358, 410.
 Rugg, John, 308, 335.
 Runnells, Edwin M. 311.
 Rush, Hon. Richard, 326.
 Russell, David, 215-16 — address of to Lafayette, 498.
 Russia, 474.
 Rust, Aloni, 176, 183.
 Rutland County, 2, 36, 80, 196, 198, 221, 324, 384, 433.
 Rutland and Burlington Railroad, 487.
 Rutledge, Stewart, 208, 379, 425, 433.
 Safford, Solomon, 220.
 St. Lawrence river, 479, 483.
 Salt Manufacturing Company, Vermont, 245, 285, 295, 372; ditto White river, 332.
 Sampson, Charles, 263, 306; N. 304.
 Sanborn, Rhoda, 408.
 Sanderson, John H. 170.
 Sanford, William R. 71.
 Sergeant, Benjamin B. 10, 70, 118, 170-71, 271, 306.
 Sartwell, Daniel, 347, 408, 424.
 Savery, Samuel, 322.
 Sawyer, Conant, 163, 178; Emanuel, 356; Rev. Joseph W. 39, 67-8; Nathaniel P. 9, 164.
 Saxe, Peter, 405, 422.
 Sayre, Sylvanus, 72, 86, 88, 90.
 Scales, Cyrus, 347, 412.
 School Commissioners, 294, 335, 370, 416.
 School Fund, 306, 310.
 Schools, see *Common Schools*.
 Schuyler, Gen. Philip, 479.
 Scott, Harvey, 170, 216, 234; Jefferson, 365, 399, 424; Lemuel, 69, 112, 236, 273, 365, 424; Philip, 215, 224; Wait, 358, 365, 424; Whitelaw V. 173.
 Scranton, Nathan, 221, 249.
 Seaman, George, 14, 23, 25.
 Sears, Silas, 413.
 Selden, Alonzo, 210, 226.
 Senter, Zaccheus, 369.
 Sentinel, Northern, of 1825, rare file of, 504.
 Sessions, Walter, 10, 217.
 Severance, Asaph, 172; T. J. 304, 367, 415.
 Seymour, Hon. Horatio, 65, 212.
 Shafter, William R. 334, 478.
 Shattuck, Benjamin, 348; Daniel S. 417; Moody, 398.
 Shaw, George B. 305, 345, 348, 391, 398—note on, 301; Levi, 237.
 Shedd, Charles, 266.
 Sheep, 68, 177, 420.
 Sheldon, Alexander, 10, 41; Joshua W. 212.
 Shepard, Hezekiah, 257, 304, 367, 407; Philip, 162, 347; Zebulon R. 129.
 Shephard, George, 257; P. 304.

- Sherman, Abner M. 373, 415.
 Shipley, Zelmon, 304, 369, 408.
 Shippey, Richard, 408.
 Sholes, Joseph, 120, 167.
 Shuppee, or Shippen, or Shippee,
 Jesse, 304, 347, 408, 412.
 Silver, Benjamin T. 69, 113.
 Simonds, Edward, 18, 190, 218,
 234.
 Sims, Leonard, 117.
 Simmons, George 7.
 Simms, Josiah, 121, 170, 217, 317;
 Josiah, jr. 224, 257, 430.
 Skinner, J. P. 500; Gov. Richard, 1,
 3, 4, 66, 122, 159, 174, 214, 263 4,
 304, 338, 379, 398.
 Slade, Gov. William, 105, 195, 199,
 226, 266, 274, 279.
 Slavery, 249, 292, 473-4.
 Smalley, Luraney, 170, 208, 248.
 Smilie, Nathan, 382.
 Smith, Asahel, 317; Benjamin, 7, 77;
 Rev. Benjamin B. 226; C. 304;
 Calista, 118, 153; Cornelius, 373,
 407; Cyrus, 349; David, 153; Den-
 ison, 346, 353, 478; Elihu, 9, 30,
 32; Jeremiah, 7; Jonas, 166; Gen.
 Jonathan, 104, 189; Henry, 263;
 Hon. John of St. Albans, 302, 335,
 347, 370, 392; Joseph 2d, 193;
 Leonard, 69, 77, 138, 141, 227, 241;
 Lyman, 187; Marston Cabot, 153;
 Michael, 169; Nathan, 82; Na-
 thaniel 80; Hon. Oramel H. 111,
 161, 207, 255, 302, 347; Pliny, 216;
 Rev. Reuben, 433; Reuben, 385;
 Rev. Worthington, 186.
 Snow, Capt. 500; Martin, 10, 115;
 Samuel, 281.
 Society for the propagation of the
 gospel, 140, 441, 445.
 Somerby, Capt. Joseph, 500.
 Soule, Gen. Harry, 362.
 Southard, Caroline, 46; James, 171.
 South Carolina, 17, 317, 355, 387,
 462, 466, 476.
 Southgate, Benjamin F. 332;
 Thomas, 263.
 Spain, 65, 440.
 Sparhawk, Edward V. 198, 202.
 Spaulding, Azel, 383, 427; Jared,
 354; Hon. John, 480; Ruluff, 7,
 19, 38.
 Spencer, Jacob, 148, Jacob A. 71,
 77, 93; William, 193, 226.
 Sprague, Nathan T. senior, 179, 430.
 Squires, Alson, 212.
 Stacy, Mrs. Henry B. and family
 504; John, 257, 313.
 Staniford, Daniel, 76, 106, 175.
 Stanley, John, 267, 329; Hon. Tim-
 othy, 1, 3, 4, 8, 63-4, 66-7, 69, 108-
 9, 111, 158—note on, 503.
 Staples, Theodore, 23, 77, 114.
 Starkweather, John, 159, 203.
 State Bank, see *Vermont*.
 State-House, 165, 190, 208-210, 232,
 236, 302, 341.
 State Library, 202-3, 266, 333, 345,
 383, 421, 427, 431, 433.
 State Papers, see *Vermont*.
 State Prison, see *Vermont*.
 Steamboat Companies, 152, 184, 213,
 225, 234, 239, 244-5, 384, 403, 423.
 Stearnes, Henry, John, and Phin-
 neas, 321, 326; John, 352; Henry
 L. 162, 223; Rufus, 71.
 Stebbins, Milo, 198; Jairus, 306, 397;
 John, 260.
 Steele, James, 125, 167, 389; Will-
 iam, 328, 377, 419.
 Stem, Christopher, 115.
 Stephens, Benueal K. 112; George,
 257, 304, 347, 416; Henry L. 112.
 Stephenson, William, 398, 413, 420.
 Sterling, Richard, 355.
 Stevens, Albert, 208; Elias, 359;
 Henry, 163, 306; Rich, 315, 324;
 Samuel S. 398; Tappan, 170, 216,
 250-51, 261, 352, 396.
 Stewart, Ira, 122; Jonas, 177; Jo-
 nas K. 222.
 Stimson, Col. Alba, 500; Stephen,
 alias Thomas White, 369.
 Stockwell, Miranda, 222; William,
 231, 313.
 Stoddard, Abial, 115; Mrs. Sophia
 Dana, 1, 503.
 Stone, Ebenezer, 164, 197; Jasper,
 210; Jonathan, 164, 197; Leon-
 ard, 218, 234; Nathan, 210.
 Stowell, Reuben, 214.
 Strong, Gen. Moses, 164, 218, 266,
 398; Gen. Samuel, 120, 147; Gen.
 Samuel P. 286.
 Sullivan, John L. 482-484, 486—note
 on, 483.
 Sullivan Railroad, 487.
 Sumner, David H. 170, 183; Hiram
 B. 257; Randall, 162; William
 John, 398.
 Supreme Court, election of Judges
 of, 19, 44, 46, 122, 128, 174, 214,
 264, 284, 294, 304, 338, 358, 410,

421, 423, 503; Reports of, 24, 105,
190, 198, 200, 201, 221, 343, 372,
386, 389-90, 426, 428, 431, 467.
Surveyor General, 31, 86, 99, 138,
145, 179, 181, 219, 226, 232, 264,
311, 358, 412.
Surveyor of Public Buildings, 51,
104, 190, 200, 208, 286, 333, 383,
427.
Suspended bills, rule on, 318. — See
Governor and Council.
Swallow, Nahum, 352.
Swan, Hon. Benjamin, 4, 29, 63, 67,
96, 133, 138, 161, 195, 207, 255,
272, 281, 338, 345, 384-5, 393, 420,
503.
Sweeney, Charles, 10, 71, 124, 152;
Fanny, 71.
Sweetzer, Stephen, 408.
Swift, Hon. Benjamin, 203; Noadiah
117.

Tabor, John W. 169.
Taft, Elisha, 267.
Taggart, Samuel and William, 355.
Taplin, Capt. 500.
Tarbell, Leander W. 369.
Taylor, Ambrose, 315; John, 369;
Jonathan, 416; Oliver, 86, 88, 90;
Samuel, 48; Thomas, 121, 170.
Temperance, 464.
Temple, Robert, 1, 4, 5, 17, 26, 61,
63-4, 70, 87, 98, 161, 194, 199, 206,
473.
Templeton, Joel, 214, 246.
Tenney, Asa, 120, 403.
Tennessee, 247, 445, 474-5.
Thatcher, Bliss B. 162.
Thayer, Oliver, 281; William jr. 170.
Thomas, Capt. Henry, 73, 87, 500;
Joseph, 278; Zerab B. 85, 114.
Thompson, Hon. John C. 253, 255,
257, 259, 298-9, 301-303, 307, 344-
347, 350, 390-393, 396, 410, 417, 434,
500—note on, 253.
Thurston, Sampson, 38; Samuel, 15.
Tichenor, Gov. Isaac, 209.
Toasts by Gen. Lafayette, 488, 501.
Todd, Thomas, 122, 130, 144, 167.
Tolles, Levi, 413.
Tolman, Rev. Thomas, 287.
Tom, Hugh, 356, 371.
Tourtellott, Abraham, 352, 354.
Town, George, 164, 216.
Town offices, eligibility to, 426.

Towns, Gores, &c.
Acton, 309, 334, 340.
Albany, 84, 257; Albany, N. Y.,
482.
Alburgh, 325, 329, 418.
Amherst, Mass., 66.
Andover, 36, 88, 142, 208.
Athens, 38, 94, 115.
Avery's Gore, 94, 96, 115, 263, 306,
381.
Bakersfield, 91, 99, 102, 104, 114-15,
118, 120, 130, 132, 139, 146, 150,
421.
Baltimore, 309, 399, 429; Baltimore,
Md. 41, 333, 484.
Barnard, 171, 180, 187, 500.
Barnet, 194, 429, 450, 481-2.
Barre, 36, 346, 353, 500.
Barton, 87, 105, 238, 290.
Beccles, England, 205.
Bellows Falls, 42, 45, 186, 199, 201,
224, 231, 400, 417, 419.
Belton, England, 206.
Belvidere, 18, 34, 72, 91, 99, 101-2,
104, 114-15, 118, 120, 130, 132, 139,
146, 150, 261, 306, 310, 314, 333,
340, 348, 356, 384, 396, 417, 429.
Bennington, 22, 109, 159, 170-71,
187-8, 205, 233-4, 246, 253, 257, 261,
273, 334, 340, 358, 375, 383.
Benson, 127, 138, 189, 198, 257-8,
326, 339.
Berkshire, 61.
Berlin, 136, 231, 241, 341, 500.
Bethel, 131, 351, 371, 373, 426, 430.
Bloomfield as Minehead, 189, 226,
428.
Bolton, 85, 229, 244, 282, 305, 326,
387.
Boston, Mass., 428, 466, 479-80, 482-
488, 502.
Bradford, 11, 27, 29, 45, 49, 125, 127,
131, 164, 350, 397, 423, 466, 483.
Braintree, 99, 134, 145, 150.
Brandon, 10, 70, 71, 84, 115, 179.
Brattleborough, 66, 94, 101, 131, 150,
167, 213, 257, 299, 301, 345, 391
401, 483.
Bridgewater, 129, 141, 282, 319, 329,
341.
Brighton as Random, 292, 333.
Brimfield, Mass., 391, 504.
Bristol, 65, 72, 85, 115, 144, 155, 208,
234, 271, 291, 418.
Brookfield, 97, 189, 266, 275, 284, 315,
331, 355, 386, 390, 500.
Brookline, 10, 18, 28, 33-4, 38-9, 43-

Towns, Gores, &c. continued.

45, 50, 55, 57, 88, 249, 279, 304, 317, 328, 341.

Brownington, 74, 84, 272.

Brunswick, 85, 95, 226, 481.

Burke, 10, 37, 70, 260, 275, 280.

Burlington, 64-5, 86, 93-4, 105, 109, 136, 140, 159, 171, 186, 241, 253, 296, 299, 301, 345, 347, 352, 369, 372, 386, 389, 391, 396, 409, 418, 424, 450, 457, 479-80, 482-3, 485-6, 489, 496, 500, 501, 504.

Cabot, 14, 20.

Calais, 36, 242, 367, 504.

Cambridge, 18, 34, 72, 308, 389, 355.

Canaan, 154, 179, 260, 310, 349, 388-390.

Castleton, 21, 48, 50, 53, 64, 109, 159, 205, 210, 236, 253, 299, 345.

Cavendish, 1, 2, 36, 64, 109, 159, 205, 356, 384.

Charleston and as Navy, 10, 50, 84, 198, 250, 369, 381, 399, 503.

Charlotte, 80.

Chavagnac, Auvergne, France, 488.

Chelsea, 1, 29, 49, 52, 64, 109, 122, 142-3, 152, 159, 331, 355, 386, 390, 483.

Chester, 1, 36, 64, 109, 142, 159, 184, 205.

Chittenden, 234, 383, 389.

Coit's Gore, see *Waterville*.

Colchester, 86, 106, 300, 333-4.

Concord, 9, 74, 82, 102, 118, 120, 147, 166-7, 198, 218, 230, 246, 251, 260.

Concord, N. H., 466, 483-486, 503.

Cornwall, 8.

Coventry, 10, 14, 31, 179, 285, 296, 306, 333.

Craftsbury, 10, 40, 159, 205, 234, 253, 299, 345, 361, 384, 391, 481.

Danby, 8, 71, 312, 354, 375, 396.

Danville, 1, 11, 64, 70, 105, 109, 137-8, 151, 159, 205, 253, 299, 301, 345, 391, 399, 403, 424, 481, 501-2.

Derby, 279, 283, 399.

Dorset, 36, 130, 146, 198, 240.

Dover, 260, 276, 306, 310.

Dummerston, 94, 101, 131, 150, 167, 238, 279, 286, 365, 366.

Duxbury, 36, 214, 241.

East Dorset, *proposed*, 240.

East Randolph, 493.

East Haven, 340.

Eden, 260-61, 285, 290, 294-5, 310, 314, 340, 349, 356, 377, 397, 417, 425, 430, 432.

Elizabethtown, *proposed*, 25, 72.

Elmore, 36, 274, 276, 294.

Enosburgh, 356.

Essex, 36, 150, 157, 177, 191, 230, 340.

Fairfax, 78, 145, 156, 425.

Fairfield, 268, 276, 345, 384.

Fairhaven, 88, 184, 150, 209-10, 236, 312, 380.

Fairlee, 88, 125, 127, 130-31, 274, 282, 294, 306, 324.

Farmington, Conn., 109.

Fayston, 26, 36, 43, 263, 294.

Ferdinand, 306.

Fletcher, 276.

Franklin, 70, 90, 184, 417, 424.

Glastenbury, 173.

Glover, 10, 70, 84, 137, 283.

Goshen, 10, 31, 54, 73, 81, 258, 312, 333, 340, 365, 384.

Goshen Gore, 349, 377.

Grafton, 36, 115.

Granby, 329-30, 334.

Granville as Kingston, 10, 27, 305, 329, 363, 367, 374.

Greensborough, 1, 64, 87, 109, 248, 266, 290, 396, 503.

Groton, 9, 10, 27, 191, 397, 418.

Guildhall, 1, 64, 109, 153, 253-4, 268, 280, 290, 421.

Guilford, 340.

Hancock, 71, 84, 146, 229, 258, 273.

Hardwick, 263, 290.

Harris's Gore, 191, 418.

Hartford, 1, 59, 145, 166, 194, 229, 235, 239, 248, 392.

Hartford, Conn., 171, 407, 479, 481.

Hartland, 154, 235, 253, 500.

Harwich, see *Mount Tabor*.

Haverhill, N. H., 268.

Highgate, 91, 153, 186, 198, 212, 225, 347.

Hinesburgh, 15, 55, 57, 59, 122, 146, 180, 231, 237, 405, 410, 420.

Hingham, England and Mass., 205.

Hog Island, 18, 25, 72.

Holland, 183, 268.

Huntington, 305.

Hydepark, 9, 51, 56, 260, 314, 356.

Hyde's Island, 27.

Irasburgh, 207, 253, 299-301, 339, 345, 391.

Isle la Motte, and as Vineyard, 325, 372, 381, 425.

Jamaica, 76, 91, 218, 248, 266, 370.

Towns, Gores, &c. continued

- Port Kent, N. Y., 483, 486.
 Portland, Maine, 479.
 Portsmouth, N. H., 480, 482.
 Poultney, 184, 194, 302.
 Providence, R. I., 502-3.
 Pownal, 171, 187-8.
 Putney, 36, 38, 90, 92, 99, 365.
 Quincy, Mass., 483.
 Randolph, 18, 26, 120, 124, 131, 180,
 229, 258, 336, 343.
 Reading, 85, 96, 134, 155.
 Readshorough, 36, 113, 134, 275, 291,
 351, 364.
 Richford, 164, 191, 397.
 Richmond, 305, 500.
 Ripton, 151, 239, 329, 333, 349, 383-
 4, 390, 417.
 Rochester, 20, 122, 145, 150.
 Rockingham, 64, 66, 68, 109, 159,
 205, 253, 299.
 Roxbury, 26, 36, 43, 124, 146, 238,
 338.
 Royalston, Mass., 206.
 Royalton, 174, 276, 285, 493, 500.
 Rupert, 36, 224.
 Rutland, 1, 11, 60, 64, 133, 135-6,
 147, 152, 159-60, 178, 205, 232, 239,
 253, 299, 309, 311, 315, 322, 325,
 337, 339, 345, 355, 359, 374, 383,
 481.
 Ryegate, 45, 54, 125, 230, 248-9, 291-
 2, 334, 340, 351, 377, 391, 429, 481.
 St. Albans, 1, 50, 64, 109, 159, 181-
 2, 205, 213, 234, 253, 261, 268, 272,
 276, 299, 345, 359-60, 374, 391-2.
 St. George, 117, 133.
 St. Johnsbury, 122, 132, 481.
 Salem, 153, 260, 279, 283, 399.
 Searsburgh, 321, 335.
 Sharon, 28, 39, 128, 142, 328, 360,
 377, 419.
 Sheffield, 151, 183.
 Sheldon, 70, 75, 80, 82, 89, 96.
 Sherburne, 18, 19, 26, 48, 89, 237-8,
 258, 266, 282, 319, 329, 348, 365,
 368, 373, 383, 389, 397.
 Sharon, 351.
 Shoreham, 65, 230, 239.
 Shrewsbury, 20, 80, 120, 131, 135,
 315, 349, 377.
 Somerset, 70, 81, 214, 234.
 Springfield, 36, 308.
 Stamford, 113, 133, 418.
 Starksborough, 225, 250, 305, 317,
 324, 331, 333, 341, 361.
 Sterling, 308, 314, 321, 333, 339, 356.
 Stockbridge, 19, 26, 315, 322, 339.
 Stonington, Conn., 401.
 Stowe, 36, 309, 340.
 Strafford, 76, 167, 227, 237, 247, 284,
 299, 300, 328, 345, 371, 391, 419,
 486.
 Stratton, 241, 266, 276, 397, 418.
 Sudbury, 196, 508.
 Sunderland, 10, 305, 329.
 Sutton, 113, 138, 153, 238, 275, 279.
 Swanton, 241, 247-8, 345, 384, 480.
 Thetford, 114, 135, 205, 253.
 Topsham, 36, 142, 263, 275, 285, 397,
 418.
 Townshend, 1, 240, 250.
 Troy, 18, 72, 173, 216, 234, 277, 281,
 283, 285, 290, 294, 356, 377, 406,
 411, 421.
 Tunbridge, 148, 151, 178, 180, 184,
 198, 500.
 Underhill, 204, 333.
 Uxbridge, Mass., 203.
 Vergennes, 11, 28, 151, 187-8, 190-
 192, 197, 201-2, 216, 227-8, 231, 312,
 325-327, 449, 503.
 Vernon, 326, 346, 396.
 Vershire, 130, 138.
 Victory, 35, 70, 84, 228, 414.
 Waitsfield, 26, 29, 36, 43, 54, 77, 85-6,
 92, 100, 110-11.
 Walden, 155, 242, 251.
 Wallingford, 167, 177, 187.
 Waltham, 70, 333, 339.
 Warner's Grant, 263, 306, 504.
 Warren, 26, 43, 146, 200, 237, 239,
 258, 317, 333, 374, 378-9, 383.
 Warren's Gore, 263, 306.
 Washington, 74, 84, 193, 200, 404-5,
 419.
 Washington, D. C., 2, 24, 65, 474.
 Waterbury, 1, 36, 64, 109, 159, 205-6,
 229, 244, 253, 282, 391, 500, 504.
 Waterville and as Coit's Gore, &c.,
 18, 72, 91, 99, 102, 104, 114-15, 118,
 122, 132, 139, 144, 146, 150, 167,
 185, 305, 314, 333, 356, 397, 418.
 Weathersfield, 36, 171, 214, 308, 349,
 356, 384, 500.
 Wells, 125, 132, 184, 194, 218, 241.
 Wenlock, 306, 349.
 West Fairlee, 28, 88, 125, 127, 131.
 Westfield, 9, 70, 72, 84, 285, 294, 355
 -6, 377, 384, 429.
 Westford, 18, 96, 102-3, 204.
 West Haven, 81, 88, 189, 195, 198.
 Westminster, 36, 365, 391.
 Westmore, 248.
 Weston, 28, 36, 88, 234.

General Index.

Towns, Gores, &c. concluded.

- Wheelock, 151.
 Whitehall, N. Y., 217, 499.
 Whiting, 54, 58.
 Whittingham, 64-5, 109, 159, 205, 253, 427.
 Williamstown, 131, 135, 198, 480, 500.
 Williston, 1, 64, 109, 159, 205, 500.
 Windham, 10, 36, 164, 171, 182, 238, 319, 331, 343, 406.
 Windsor, 79, 81, 140, 171, 232, 239-40, 248, 299, 300, 332, 340-41, 343, 391, 406, 424, 450-51, 481-483, 489-90, 500.
 Winhall, 10, 305, 333.
 Wolcott, 185, 188, 256, 262, 286, 314, 355-6, 384.
 Woodbury, 17, 146, 242, 319-20, 359, 367, 406.
 Woodford, 105, 173, 218, 241, 338, 374.
 Woodstock, 128, 194, 236, 276, 285, 345, 360-61, 376, 386, 492, 500.
 Worcester, 10, 36, 50, 55, 68, 250, 397, 418, 427.

 Towsley, Samuel, 10, 25.
 Transportation Companies, 215, 217, 226.
 Trask, Ezra S. 388.
 Trumbull, William, 10, 70, 114, 134.
 Tucker, David, 120; Elisha, 74, 115; Philip C. 326, 433, 478.
 Tufts, Daniel, 78, 118.
 Tumas, Jean Baptiste, 68, 111, 162.
 Turner, Hon. Bates, 294, 296, 304, 363, 396, 414; Ralph, 7.
 Turnpikes, 8, 10, 20, 21, 40, 43, 49, 76-7, 95, 120, 142, 164, 167, 182, 200, 209, 215, 218, 227-8, 237, 239, 240, 248, 312, 315, 319, 321-2, 326, 329-30, 332-334, 339-40, 348, 365, 368, 373, 380, 418, 429.
 Tuthill, John, 173.
 Twambly, or Twombly, William, 69, 111, 162, 224, 229.
 Twist, Stephen, 162, 166.
 Tyler, President John, 65.

 Underwood, Hon. Abel, 398; Joshua 257, 322.
 Union College, 345.
 University of Vermont, 30, 80, 81, 94, 99, 126, 160, 185-6, 199, 240, 250, 265, 294, 333, 342-3, 385, 433, 499.
 U. S. Courts in Vermont, 200, 232, 239.
 U. S. Senators, election of, 123-4, 212, 400, 455, 471.

 Usury, 168, 404, 431.
 Utley, John, 69, 111.
 Utter, William, 34.

 Vail, Joshua Y. 41.
 104, 129, 144, 159, 480, 485.
 Van Buren, President.
 Van Ness, Gov. 1.
 64-5, 67, 109, 111, 212, 447, 479-481.
 — Address of to Legislature.
 Letter of to Legislature.
 Speeches of, 481.
 Speeches—note of, 481.
 William P. 64; Hon. 481.
 Vasseur, M. Le, 481.
 Vermont, 469-70, 481, 489, 491.
 Vermont Academy.
 Castleton, 21, 48.
 Bible Society, 351, 352.
 Railroad, 487; 488, 489, 491.
 487; Infirmary, 487.
 chusetta Railroad.
 Fire Insurance.
 Salt Manufacture.
 235; State Bank.
 State Medical Society.
 Papers, Slade's, 14, 18, 23, 26, 79, 111, 269, 284, 315, 318, 365, 377, 381, 406.
 Vevus, or Vevas, 111.
 Virginia, 355, 387, 388.
 Vorus, John, L. 10.
 Votes, written or printed.
 Votes for Governor, 207, 255, 302, 347.

 Wade, Edward, 171.
 Wick, 309; Joshua 309.
 Wait, Gen. Daniel.
 Wait's river, 341.
 Wales, Hon. Geo. 110, 111, 150.
 Walker, Rev. Chas. Henry S. 213; Whitfield, 214, 215.
 Waller, Calvin C. 264, 311.
 Walton, Eliakim I. 39, 197-8.
 War Department.
 Secretary of, 201.
 Ward, William, 17.
 Ware, Jona. 39, 41.

- Warner, Almon, 302; Capt. 500; Daniel, 227; Daniel, jr. 218; Gen. Hiram, 122, 148; John, 181; Hon. Joseph of Sudbury, senior, 3, 63, 196-7—notes on, 196, 503; Hon. Joseph of Middlebury, 196; Maj. 500; Samuel, 428; Col. Seth, 504; Zenas, 10.
- Warren, Silas, 113.
- Washington County, 17, 20, 36, 40, 77, 196, 206, 253, 319-20, 359, 374, 378-9, 383-4, 391, 405-6, 411, 433, 480, 483.
- Washington, President George, 488, 497, 500.
- Watchman, Vermont, 198.
- Waterman, Araunah, 5, 171, 193, 451, 480, 485; Thomas, 413.
- Waters, Thomas, 9, 23, 38.
- Watrous, Mrs. Erastus, address of to Lafayette, 495; Watrous and Worthington, 479.
- Watson, Clark, 9, 72; Elkanah, 482-3, 485-6.
- Watts, Lyman, 413, 421.
- Way, James, 177, 184.
- Weare, Richard, 369.
- Weatherby, David, 69, 111.
- Webb, Azariah, 9, 76, 82, 122, 140, 167, 315.
- Webster, Hon. Daniel, 140, 155, 193, 445, 490; Jacob, 60, 114.
- Weed, William, 355, 361.
- Weeks, Joseph, 137, 167, 179, 400, 413.
- Welch, Edward, 162, 209, 257, 309, 414; Jacob, 122, 167.
- Weld, Luther, 311, 325, 368.
- Weller, Daniel, 169; Diana, 193.
- Wellington, Lyman, see *Huntley, Lyman*.
- Wellman, Daniel, 222; Suel, 220.
- Wells river, 61, 841, 466, 480, 482.
- Weston, James, 170, 209, 270, 313.
- West river, 94, 101, 131, 150, 213, 216, 238, 257, 268, 279, 286, 370.
- Weatherbee, David, 163.
- Weatherby, George, 500.
- Wetherell, Israel, 243.
- Wetmore, Hon. Seth, 1, 3, 4, 8, 22, 34, 38, 43, 45, 48-9, 54, 58, 63-4, 66-7, 90, 108-111, 116, 121, 158-161, 165, 203, 205-207, 213, 252, 255, 259, 289-90, 298-9, 301-303, 307, 344—notes on, 289-90, 504.
- Weymouth, George, 176, 178.
- Wharves and store-houses, 188, 198, 230, 238, 248, 257, 261, 266, 270, 272, 292, 296.
- Wheatley, Nathaniel, jr. 99, 102.
- Wheeler, George, 9, 16, 77, 79, 82; Horace, 77, 113; Rev. John, 186; Solomon, 113; Solomon P. 15, 163; Sylvester, 69.
- Whiley, R. 21.
- Whipple, Commodore Abraham—503; Azariah, 167; John, 70.
- Whitcomb, James, 326.
- White, Frederick, 78, 95, 98; Hiram, 261, 322; Nathan, 306, 376, 409; Seneca, 87.
- Whitelaw, Gen. James, 41, 46, 189.
- White river, 128, 242, 261, 351, 360, 371, 373, 482.
- Whitlock, Salmon, 359.
- Whitman, Alexander, 111; Williams, 122.
- Whitney, Israel, 134, 167, 202; Jonas jr. 144, 167, 183; Lemuel, 3, 19.
- Whittemore, Charles, 413.
- Wicker, Charles F. 167, 184; Pliny, 164, 166, 178, 182, 184.
- Wiggins, Col. Joseph, 500.
- Wightman, Alexander, 162, 224, 271.
- Wilcox, Daniel, 76, 115; Russell Lamb, 324, 335.
- Wilder, Ebenezer, 72.
- Wilkinson, Reuben, jr. 189, 198.
- Willard, Aaron, 351; Gilman, 215, 217, 227, 234, 242.
- Willes, Amherst, 270, 322.
- Williams, Gov. Charles K. 11, 19, 46, 72, 122, 128, 132, 157, 170, 174, 294, 335, 358, 410; George, 369, 407; Henry, 322, 369, 486; Jesse, 120; Hon. Norman, 31, 68, 111, 140, 152, 161, 182, 190, 207, 255, 302, 347, 393; T. 304; Thomas, 9, 23, 47, 77, 114, 163, 347, 406; William, 18, 74; William H. 164.
- Wilmot, Timothy, 86, 88, 90.
- Wilson, Jane Ann, 219, 229, 237; John, 9, 19, 38; Robert, 266; Zaddock, 405.
- Windham County, 34, 36, 38, 44-5, 47, 55, 66, 106, 139, 150, 186, 195, 301, 384, 433.
- Windsor County, 2, 28, 36, 39, 80, 98, 185, 300, 360, 384, 433.
- Winooski river, see *Onion river*.
- Winslow, Calvin, 47, 57, 480, 500.
- Wiswall, Samuel jr. 267.
- Witherell, Daniel, 322, 369.

- | | |
|--|--|
| <p>Wood, Josiah, 409 ; Josiah jr. 72 ;
Park, 18.</p> <p>Woodbridge, Hon. Enoch D. 30.</p> <p>Woodman, Rev. Jonathan, 264, 302-
3.</p> <p>Woodruff, Edward, 115.</p> <p>Woods, John L. 171, 451, 480.</p> <p>Woodward, Jephtha, 369, 417.</p> <p>Work-houses, 33.</p> <p>Worthington, Hon. George, 253,
255, 259, 298-9, 301-2, 307, 344-347,
350, 390-393, 393, 434, 480 — note
on, 253.</p> <p>Wright, Abijah, 70, 114, 260; Abijah</p> | <p>W. 142; Rev. Chester, 412; John,
73.</p> <p>Yeas and Nays, 5, 7, 15-17, 19, 23,
33-4, 38, 44, 52, 54, 57-8, 70, 73-4,
77, 82-3, 93, 162-3, 166, 191, 233,
239, 249, 262, 269, 273, 309, 311,
313, 315-323, 327-329, 332, 334-5,
347-349, 357, 359, 361-2, 364, 366-
7, 369, 372-3, 402-3, 405-410, 412,
414-417, 424, 430.</p> <p>York, Gilman, 17.</p> <p>Young, Alexander, 195 ; Joab, 164,
170 ; Henry and John, 239 ; Na-
than, 312, 349.</p> |
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Usually books are lent out for two weeks, but there are exceptions and the borrower should note carefully the date stamped above. Fines are charged for over-due books at the rate of five cents a day; for reserved books there are special rates and regulations. Books must be presented at the desk if renewal is desired.

L-1

